

PART I
ADMINISTRATIVE
LEGISLATION

CHAPTER 1

GENERAL PROVISIONS

Article I Adoption of Code by Township Committee

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[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 11-21-83 as Ord. No. 83-22. Amendments noted where applicable.]

Article I Adoption of Code by Township Committee [Adopted 11-21-83 as Ord. No. 83-22]

Be it ordained by the Township Committee of the Township of Lower Alloways Creek, County of Salem and State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Lower Alloways Creek of a general and permanent nature adopted by the Township Committee of the Township of Lower Alloways Creek, as revised, codified and consolidated into chapters and sections by

General Code Publishers Corp. and consisting of Chapter 1 through 160, are hereby approved, adopted, ordained and enacted as the Code of the Township of Lower Alloways Creek, hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force and effect hereinafter.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code to be on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Lower Alloways Creek by impressing thereon the Seal of the township, as provided by law; and such certified copy shall remain on file in the office of the Clerk of the township, to be made available to persons desiring to examine same during all times while the said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Lower Alloways Creek" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of Lower Alloways Creek, pursuant to law, shall cause to be published, in the manner required, a copy of this Adopting Ordinance in a newspaper of general circulation in the township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of the Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the office of the Clerk for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by resolution of the Township Committee, which may also arrange by resolution, for procedures for the periodic supplementation thereof.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Lower Alloways Creek to be misrepresented thereby. Anyone violating this section or part of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars (\$500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repeal of ordinances.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinances adopted subsequent to November 1, 1980.
- B. Any right or liability established, accrued or incurred under any legislative provisions prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, change of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All current effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees of the Township of Lower Alloways Creek, including but not limited to Ordinance No. 82-1, adopted 1-18-82.
- L. All ordinances of the township providing for the preparation and use of Tax Maps.
- M. All ordinances of the township regulating and providing for vehicles and traffic.

§ 1-14. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Township

Committee that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)*

C. Penalties. In the following sections, the penalty provisions are revised to provide that violators will be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the Judge: §§ 16-9, 74-8, 99-8, 116-7, 121-14A and 138-4.

*Editor's Note: Pursuant to § 1-14B, the following Code sections were amended, added or revised. A complete description of these changes is on file in the office of the Township Clerk.
§§ 11-5, 11-6, 11-7, 32-1, 32-4, 32-11, 43-15A and 127-2A.

CHAPTER 8

CLAIMS, APPROVAL OF

- § 8-1. Submission of claims.
- § 8-2. Time for submission.
- § 8-3. Submittal to Purchasing Agent.
- § 8-4. Certification of receipt of goods or services.
- § 8-5. Approval or rejection by Township Committee.
- § 8-5.1. Payment of bills for self-insurance.
- § 8-6. Signatures of approval.
- § 8-7. Payment of claims.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 7-2-1975 as Ord. No. 75-5; amended in its entirety 3-3-1978 by Ord. No. 78-8. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Payroll account—See Ch. 37.
Purchasing—See Ch. 49.

- § 8-1. Submission of claims. [Amended 9-20-1994 by Ord. No. 94-10]

All claims against the Township of Lower Alloways Creek for payment, except claims for payment of general assistance, shall be submitted on a voucher form to be supplied by the Township Purchasing Agent or else on a state-approved voucher form.

- § 8-2. Time for submission. [Amended 9-20-1982 by Ord. No. 82-21; 8-18-1992 by Ord. No. 92-18]

All vouchers shall be signed and dated and submitted no later than the second Wednesday of the month or as prescribed by the Township Committee from time to time.

- § 8-3. Submittal to Purchasing Agent.

All vouchers shall be submitted to the Township Purchasing Agent at his office during normal business hours.

§ 8-4. Certification of receipt of goods or services.

Prior to review by the Township Committee, the township officer's certificate as to receipt of goods or services shall have been properly signed and dated.

§ 8-5. Approval or rejection by Township Committee. [Amended 9-20-1982 by Ord. No. 82-21]

The Township Committee shall review each properly signed and submitted voucher prior to or at the next regularly scheduled meeting. The Township Committee shall vote to approve or reject said vouchers at the next regularly scheduled meeting.

§ 8-5.1. Payment of bills for self-insurance. [Added 8-18-1992 by Ord. No. 92-18]

Payment of bills for self-insurance purposes may be approved by the Township Purchasing Agent and paid by the Township Treasurer prior to approval by the Township Committee. Such payments shall be subject to ratification by the Township Committee at its next regularly scheduled meeting. This procedure may only be followed when made in accordance with contracts previously approved by the Township Committee.

§ 8-6. Signatures of approval. [Amended 9-20-1982 by Ord. No. 82-21]

Approval of vouchers by the Township Committee shall be evidenced by the signature of the bill list of all Committeemen present. Said bill list shall be made part of the minutes of the Committee meeting.

§ 8-7. Payment of claims.

All payments shall be made by check on a township account, properly signed as provided by law.

CHAPTER 11
COURT, MUNICIPAL

Article I
Establishment; Judge; Municipal
Court Administrator

- § 11-1. Establishment of Court.
- § 11-2. Judge; appointment and term.
- § 11-3. Seal.
- § 11-4. Jurisdiction.
- § 11-5. Salary.
- § 11-6. Municipal Court Administrator; appointment; salary.
- § 11-6.1. Time of taking effect.
- § 11-6.2. Duties of township.
- § 11-6.3. Appointment of support personnel.
- § 11-6.4. Disposition of fines.
- § 11-6.5. Minimum time of establishment.

Article II
(Reserved)

- § 11-7. (Reserved)

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 6-1-1962, amended in its entirety 12-5-1983 by Ord. No. 83-24. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation—See Ch. 54.

Article I
Establishment; Judge; Municipal
Court Administrator
[Adopted 6-1-1962; amended in its entirety
12-5-1983 by Ord. No. 83-24]

§ 11-1. Establishment of Court.

There is hereby established a single Intermunicipal Court for the Township of Lower Alloways Creek and the Township of Elsinboro and named the "Municipal Court of Lower Alloways Creek and Elsinboro Townships."

§ 11-2. Judge; appointment and term.

The Judge of the Intermunicipal Court shall be nominated and appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate of the State of New Jersey, and shall serve for a term of three (3) years from the date of his appointment and until his successor is appointed and qualified, pursuant to N.J.S.A. 2A:8-5.

§ 11-3. Seal.

The Municipal Court shall have a seal which shall bear the impress of the name of the Court.

§ 11-4. Jurisdiction.

The jurisdiction of said Intermunicipal Court shall be coextensive with the territories of the Township of Lower Alloways Creek and the Township of Elsinboro in Salem County, New Jersey.

§ 11-5. Salary.

The Municipal Judge shall receive an annual salary as provided for in the Annual Salary Ordinance* in lieu of all fees, costs and any allowances whatsoever.

§ 11-6. Municipal Court Administrator; appointment; salary. [Amended 2-18-1992 by Ord. No. 92-2]

There shall be a Clerk appointed by the Township Committee, who shall act as Municipal Court Administrator and who shall receive an annual salary as provided for in the Annual Salary Ordinance.*

*Editor's Note: See Ch. 54, Salaries and Compensation.

§ 11-6.1. Time of taking effect.

Said Intermunicipal Court shall become effective and commence on December 27, 1983, and on that date the Municipal Court heretofore existing in the Township of Lower Alloways Creek shall be abolished and its functions, powers and duties, records, property and pending cases shall be transferred to the Intermunicipal Court established by this Article, pursuant to N.J.S.A. 2A:8-3.

§ 11-6.2. Duties of township.

The Township of Lower Alloways Creek shall furnish all facilities, appoint and pay all personnel and provide such other requirements necessary for the proper administration of justice in the Intermunicipal Court and shall also establish the times and place when such Court shall be convened.

§ 11-6.3. Appointment of support personnel.

The Intermunicipal Court Prosecutor, Court Clerk, Deputy Clerks and all other personnel shall be appointed by the Lower Alloways Creek Township Committee. The Township of Lower Alloways Creek shall pay the salaries of all of the foregoing.

§ 11-6.4. Disposition of fines.

All fines, costs, fees, penalties and forfeitures, including forfeitures of bail, imposed by the Intermunicipal Court, which are distributable to local municipalities, shall be paid over and forwarded to the Municipal Treasury of Lower Alloways Creek, regardless of the nature of the offense or where the offense was committed. If by law, rule or regulation, any such fines, costs, fees, penalties or forfeitures are required to be paid to the Township of Elsinboro, the Township of Elsinboro shall, after receipt of the same, pay to the Township of Lower Alloways Creek an equal sum of money to that so received, within two (2) weeks of such receipt by the Township of Elsinboro.

§ 11-6.5. Minimum time of establishment.

Said Intermunicipal Court is established for a minimum period of three (3) years ending December 27, 1986, after which it shall continue unless terminated by either the Township of Lower Alloways Creek's or the Township of Elsinboro's adopting an ordinance withdrawing its municipality from said Intermunicipal Court.

**Article II
(Reserved)**

§ 11-7. (Reserved)*

**Article III
Municipal Public Defender
[Adopted 9-16-1997 as Ord. No. 97-6; amended
in its entirety 12-2-1997 by Ord. No. 97-9]**

§ 11-8. Position created.

The Intermunicipal Court of the Township of Lower Alloways Creek and the Township of Elsinboro hereby creates the Office of Public Defender.

§ 11-8.1. Qualifications.

The Public Defender shall be an attorney-at-law of the State of New Jersey.

§ 11-8.2. Appointment.

The Mayor shall nominate, with the advice and consent of the Township Committee, and appoint a Public Defender, including the filling of a vacancy in the office which shall be for an unexpired term only.

§ 11-8.3. Term of office.

The term of office of the Public Defender shall be for one (1) year, commencing on January 1st and terminating on December 31st of the same year, and until a successor shall have been appointed and qualified.

§ 11-8.4. Duties.

The duties of the Public Defender shall be to defend all cases brought against indigent defendants in the Municipal Court of the Township alleging violation of the criminal laws of the State of New Jersey and the motor vehicle statutes of the State of New Jersey whenever such defendants are entitled to such representation by law or whatever such representation is deemed necessary or desirable in the interest of justice and in the discretion of the Judge of the Municipal Court.

*Editor's Note: Former Art. II, Deputy Municipal Court Administrator, adopted 12-3-1976 as Ord. No. 76-24, as amended, was repealed 2-2-1992 by Ord. No. 93-5.

§ 11-8.5. Salary.

The salary of the Public Defender shall be seventy-five dollars (\$75.) per case.

§ 11-8.6. Public Defender application fee.

Each individual applying for representation by the Municipal Public Defender shall be required to pay an application fee of not more than two hundred dollars (\$200.). The Municipal Court Judge may waive any required application fee, in whole or in part, if the court determines, in its discretion, that the application fee represents an unreasonable burden on the individual seeking representation.

CHAPTER 13

DEFENSE AND INDEMNIFICATION

§ 13-1. Members of Planning Board or Zoning Board of Adjustment.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-21-1994 as Ord. No. 94-4. Amendments noted where applicable.]

§ 13-1. Members of Planning Board or Zoning Board of Adjustment.

Whenever a member of the Planning Board or Zoning Board of Adjustment of the Township of Lower Alloways Creek is a defendant in any action or legal proceeding arising out of and directly related to the lawful exercise of his or her duty as a member of said Board, the Township Committee of the Township of Lower Alloways Creek shall provide said member with necessary means for defense of such action or proceeding. The provisions of this chapter, however, shall not require said Township Committee to provide said member with necessary means for the defense of any action or legal proceeding instituted by or on behalf of the township for removal of said member from membership on the Board to which he or she has been appointed to serve.

Chapter 15

Office of Emergency Management.

§ 15-1 Office of Emergency Management established

[History: Adopted by the Township Committee of the Township of Lower Alloways Creek 2-3-2009 as Ordinance 2009-01]

§ 15-1 Office of Emergency Management established

Within the Township, there shall be a Division of Civil Defense, known as the "Office of Emergency Management," the head of which shall be the Director of Emergency Management, who shall be appointed by the Mayor from among the residents of the municipality, subject to the approval of the Township Committee, pursuant to N.J.S.A. App. A:9-40.1. The Office of Emergency Management and the Director of Emergency Management shall perform all of the functions, powers and duties prescribed by general law, executive order, ordinance or resolution. The Director of Emergency Management shall provide a written report to the Director of Public Safety and the Township Committee on a quarterly basis.

CHAPTER 16 FIRE DEPARTMENT

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- § 16-1. Department established; composition.**
- § 16-2. Membership requirements; exemption certificates.**
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- § 16-4. Equipment to be held in trust.**
 - § 16-4.1. 1920 Antique fire truck.**
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ARTICLE II Length of Service Awards Program

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- § 16-12 Description of the LOSAP Program**
- § 16-13 Definitions**
- § 16-14 Criteria / Credit System**
- § 16-15 Maximum Annual Contribution**
- § 16-16 Method to change Annual Contribution**
- § 16-17 Estimated Annual Contribution by the Township**
- § 16-18 Approval by a Public Question, when effective**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 3-2-81 as Ord. No. 81-6. Section 169 amended at time of adoption of Code; see Ch.1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 16-1. Department established; composition. [Amended 6-7-82 by Ord. No. 82-15]
There is hereby authorized and established the Lower Alloways Creek Fire Department, to be composed of one (1) company to-be known as the "Lower Alloways Creek Fire and Rescue Company" and such additional companies as the Township Committee may approve.

§ 16-2. Membership requirements; exemption certificates. [Added 6-7-82 by Ord. No. 82.15; amended 10-2-01 by Ord. No. 2001-13]
A. No person shall hereafter become a member of the Fire Company of the Township of Lower Alloways Creek or any unit thereof unless above the age of eighteen (18), a citizen of the United States, of good moral character and a resident of the township, County of Salem, for upwards of one (1) year. He or she shall be physically fit to perform the duties of a fireman as evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after physical examination for that purpose.

B. In order to remain active in the New Jersey Fireman's Association, each member of the Fire Company shall, in each and every year, perform at least sixty percent (60%) of duty, to be composed of actual attendance and duty at fires and drills, and a record shall be kept of such attendance by the Chief of the Fire Company and reported to the municipal officers annually.

C. Every person seeking to join the Fire Company shall make application to the company and upon his or her election to membership by vote of a majority of the unit present and voting, he or she shall become a member in good standing of the Fire Department after approval of his or her membership by the Chief and confirmation by the municipal officers, and his or her name shall be entered on a roll of firemen kept by the Municipal Clerk.

D. A New Jersey State Fireman's Association exemption certificate may be issued to members of the Fire Company who shall have served seven (7) years in active duty, under municipal control, as required by N.J.S.A. 40:47-53 et seq.

§ 16-2.1. Junior Firemen's Auxiliary. [Added 9-6-83 by Ord. No. 83-15]

A. A Junior Firemen's Auxiliary to the Lower Alloways Creek Fire and Rescue Company is hereby established subject to the supervision of said fire company and its Chief. The members of said auxiliary shall be known as "Junior Firemen." [Amended 10-2-01 by Ord. No. 2001-13]

B. Junior Firemen shall meet all the qualifications of regular members of the Lower Alloways Creek Fire and Rescue Company, except that they need only have reached the age of sixteen (16) years and may be no older than eighteen (18) years of age.

C. Said Junior Firemen before being considered for membership must obtain notarized permission to join the auxiliary from their parents or guardian and must submit to the Lower Alloways Creek Fire and Rescue Company said notarized permission in writing and acknowledged or approved in the manner required by law for deeds to real estate to be recorded. [Amended 10-2-01 by Ord. No. 2001-13]

D. Members of the auxiliary shall be insured by the same coverage and in the same amounts provided for the regular volunteer fireman of the Lower Alloways Creek Township.

E. Every person seeking to become a Junior Fireman must apply and be selected in the same manner as regular members of the Lower Alloways Creek Fire and Rescue Company.

F. Junior Firemen shall be trained for eventual membership in the Lower Alloways Creek Fire and Rescue Company by the Chief and the regular members. No Junior Fireman shall be allowed to perform duties that would expose him to the same degree of hazard as a regular member of the Lower Alloways Creek Fire and Rescue Company.

G. Junior Firemen shall not fight fires nor use power equipment or administer oxygen. Junior Firemen shall not ride on Lower Alloways Creek Fire and Rescue Company equipment or vehicles except in the cab or on a passenger seat.

H. Junior Firemen shall be subject to provisions of the ordinance regarding the Lower Alloways Creek Fire and Rescue Company and the Constitution and Bylaws of the Lower Alloways Creek Fire and Rescue Company and shall be subject to suspension or expulsion as provided herein.

§ 16-3. Authority to adopt constitution and bylaws. [Amended 10-2-01 by Ord. No. 2001-13]

The Lower Alloways Creek Fire and Rescue Company is hereby authorized to adopt their constitution and bylaws, subject to review and approval by the Township Solicitor to ensure compliance with State Statutes and Federal Laws and Regulations. Copies of same are attached hereto and made a part hereof by reference, and any subsequent amendments thereto shall be approved by the Lower Alloways Creek Fire and Rescue Company, subject to review by the Township Solicitor, and then forwarded to the Township Clerk for official record keeping.

§ 16-4. Equipment to be held in trust.

The ownership of fire and rescue apparatus and equipment and such other fire apparatus or rescue equipment as may be purchased, previously acquired or accepted by the township shall remain with the township, and the same is hereby entrusted to the Lower Alloways Creek Fire and Rescue Company with the understanding that such apparatus and equipment and any buildings incidental to the housing and maintenance thereof, as well as any and all real property available to and utilized by the Lower Alloways Creek Fire and Rescue Company, shall be kept in good condition. Failure to comply with this section will cause a revocation of this trust, after proper notice has been given to the Lower Alloways Creek Fire and Rescue Company and a hearing in connection with the same has been held before the Township Committee. In the event the Lower Alloways Creek Fire and Rescue Company shall cease to exist for any reason whatsoever, this trust shall be immediately revoked and actual possession of all of the aforementioned equipment, buildings and real property shall be under the immediate and direct control of the Township Committee.

§ 16-4.1. 1920 Antique fire truck. [Added 10-2-01 by Ord. No. 2001-13]

The Lower Alloways Creek Fire and Rescue Company resolves to formally memorialize the fact that ownership of the 1920 antique fire truck is separate and apart from the equipment held in trust as set forth in Section 16-4. The ownership of the 1920 antique fire truck is joint between the Township of Lower Alloways Creek and the Lower Alloways Creek Fire and Rescue Company. It is understood that the 1920 antique fire truck will not be relocated from the firehouse premises without the joint approval of the Lower Alloways Creek Township Committee and the Lower Alloways Creek Fire and Rescue Company.

§ 16-5. Appropriation to Department. [Amended 10-2-01 by Ord. No. 2001-13]

The Township Committee shall appropriate a reasonable amount of money each year to maintain and support all fire and rescue equipment operated by the Lower Alloways Creek Fire and Rescue Company, which will be controlled by the Chief.

§ 16-6. Approval of attendance at parades and other events. [Amended 10-2-01 by Ord. No. 2001-13]

In the event the Lower Alloways Creek Fire and Rescue Company is invited to attend any celebration, parade or other event not incidental to the fighting of fires or rescue operations, and over seventy-five (75) miles, notice of same shall be immediately submitted to the Township Committee for approval. The purpose of this section is to be consistent with the statutory responsibility regarding the safety of the inhabitants of the township being the primary responsibility of the Township Committee.

§ 16-7. Monthly report of Chief. [Amended 10-2-01 by Ord. No. 2001-13]

The Chief shall examine, at least once in each month, all apparatus and equipment of the Lower Alloways Creek Fire and Rescue Company. This information will be available to the Township Committee upon request. This information shall include: number of fires attended and the cause of such fires, if any cause could be determined, condition of equipment and such other information as he may deem proper or that may be required of him by the Township Committee.

§ 16-8. Interference with fire operations; damage to Department property.

No person or persons shall interfere with, impede or delay any fire or rescue apparatus in the Township of Lower Alloways Creek in any manner or for any cause under its control, nor willfully drive or cause to be driven any vehicle over any hose or other fire or rescue apparatus or equipment, nor in any manner willfully damage, deface or injure any hose or other apparatus or equipment at any time, nor give or cause to be given any false alarm or alarms of fire or rescue in this township, nor meddle with, injure or destroy any of the property appertaining to or belonging to said Fire and Rescue Company or in anywise connected therewith.

§ 16-9. Violations and penalties. [Amended 11-21-83 by Ord. No. 83-22; 10-2-01 by Ord. No. 2001-13]

Any person or persons who shall violate any section of this chapter shall be liable, upon conviction thereof, to a fine of not more than one thousand dollars (\$1,000.) or to imprisonment for not more than thirty (30) days, or both such fine and imprisonment, for each such offense.

§ 16-10. Fire and rescue calls at nuclear generating station. [Amended 6-25-86 by Ord. No. 86-7; 10-2-01 by Ord. No. 2001-13]

With respect to fire alarms or calls at the nuclear generating station on Artificial Island, the Fire and Rescue Company shall respond to all fire alarms and rescue calls along the access road. The Fire and Rescue Company shall not respond to fire calls to the turbine buildings, reactor buildings, auxiliary buildings, low-level radioactive waste building, the fuel-handling building and any other designated radiological controlled areas at the nuclear generating stations. The Fire and Rescue Company shall respond, under the direction of the Fire Chief or the authorized person so designated in his absence, to all other fires within the confines of the gates of nuclear generating station on Artificial Island provided the caller clearly identifies to the Fire and Rescue Company the exact location and structure involved in the fire. A designated representative of the nuclear generating station shall provide a report to the Fire and Rescue Company, not less than quarterly, giving specific information pertaining to any and all chemicals stored within such areas other than those areas to which the Fire and Rescue Company shall not respond as set forth above. Such information shall state the exact name of the chemical, and any other pertinent information. Such designated representative as aforementioned shall also provide the Fire and Rescue Company with maps, diagrams, or schematics showing the location of all piping throughout the plant, other than to those areas where the Fire and Rescue Company will not respond, providing information as to the type of chemicals flowing in said pipes. A designated representative or representatives of Artificial Island shall also meet with the Fire and Rescue Company not less than quarterly for the purpose of keeping the Company abreast of any fire calls and all new developments at Artificial Island pertinent and germane to the safety of the Fire and Rescue Company. Failure on the part of the representative or representatives from the nuclear generating station located on Artificial Island to comply with the requirements of this section shall negate any responsibility on the part of the Fire and Rescue Company to respond to any fire or rescue calls at said locations.

ARTICLE II

Length of Service Awards Program

- § 16-11 Program Created
- § 16-12 Description of the LOSAP Program
- § 16-13 Definitions
- § 16-14 Criteria / Credit System
- § 16-15 Maximum Annual Contribution
- § 16-16 Method to change Annual Contribution
- § 16-17 Estimated Annual Contribution by the Township
- § 16-18 Approval by a Public Question, when effective

§ 16-11. Program created. [History; First Adopted as Ordinance 2008-09 8/19/2008]

A length of service awards program (LOSAP) is hereby created in accordance with Chapter 388 of the Laws of 1997, being N.J.S.A. 40A:14-183, et seq. to reward members of the Volunteer Fire Department and Ambulance Squad for their loyal, diligent and devoted services to the residents of the Township of Lower Alloways Creek.

§ 16-12. Description of the LOSAP Program.

The LOSAP shall provide for annual contributions to a deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Township pursuant to P.O. 1997, c. 388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this Ordinance.

§ 16-13. Definitions.

1. FOR THE PURPOSES OF THIS ARTICLE, THE OPERATIVE WORDS AND TERMS SHALL HAVE THE MEANINGS SET FORTH IN N.J.S.A. 40A:14-184, AND N.J.A.C. 5:30-14.1, AS THOSE PROVISIONS MAY BE AMENDED AND SUPPLEMENTED FROM TIME TO TIME.
2. A VOLUNTEER MEMBER ELIGIBLE TO PARTICIPATE IN THE LOSAP PROGRAM SHALL BE AS FOLLOWS:
 - A.) An active volunteer member of the LAC Fire Department who holds at least a current Firefighter 1 certification issued by the New Jersey Division of Fire Safety
 - B.) An active volunteer member of the LAC Ambulance Squad who meets the requirements of and holds a current EMT-B, EMT-P or First Aid Certificate.
3. AN EMERGENCY CALL SHALL BE DEFINED AS AN ON SCENE RESPONSE TO A 911 DISPATCH
4. AN ELECTED OR APPOINTED OFFICER SHALL MEAN:
 - A.) AN ELECTED OR APPOINTED OFFICER OF THE LAC FIRE DEPARTMENT INCLUDING; CHIEF, 1ST, 2ND, 3RD ASSISTANT CHIEF(S), PRESIDENT, SECRETARY AND TREASURER, WHOM HAVE COMPLETED ONE (1) FULL YEAR TERM.
 - B.) AN ELECTED OR APPOINTED OFFICER OF THE LAC AMBULANCE SQUAD INCLUDING; CAPTAIN, 1ST & 2ND LIEUTENANT, PRESIDENT, SECRETARY, TREASURER AND TRUSTEES WHOM HAVE COMPLETED ONE (1) FULL TERM YEAR

§ 16-14. Criteria / Credit system. [Amended 7/21/09 as Ord No. 2009-10]

- A. The LOSAP shall provide for annual contributions to each eligible member in accordance with the following criteria / credit system:
- B. Credits based upon the Fire Department and the Ambulance Squad point system. An active volunteer member shall receive one credit for each qualifying year earned by such member. A qualifying year shall be defined as a calendar year during which such member has been awarded at least 35 points pursuant to the following point system:

1) TRAINING CLASSES – MAXIMUM 25 (twenty-five) POINTS ANNUALLY

1 (ONE) POINT PER TRAINING HOUR – THIS INCLUDES, BUT IS NOT LIMITED TO, COMPANY OR SQUAD SANCTIONED EVENTS SUCH AS:

- A) COUNTY DRILLS
- B) TANKER TASK FORCE DRILLS
- C) DRIVING TRAINING COURSES
- D) PUMP OPERATION COURSES
- E) CPR TRAINING
- F) EMT TRAINING
- G) RERP TRAINING
- H) FIRST RESPONDER TRAINING

2) DRILLS – MAXIMUM 20 (twenty) POINTS

2 (two) POINTS PER DRILL

3) MEETINGS – MAXIMUM 12 (twelve) POINTS

1 (one) POINT PER MEETING –

- A) MEETING MAY BE A REGULAR, SPECIAL, OR RELIEF MEETING

4) SPECIAL ASSIGNMENTS / EXTRA CREDIT / DETAILS – MAXIMUM OF 15 (fifteen) POINTS

1 (one) POINT PER

- A) MUST BE A COMPANY OR SQUAD FUNCTION OR RECEIVE APPROVAL FROM TWO OFFICERS OF THE APPROPRIATE ORGANIZATION IN CHARGE

5) ELECTED OR APPOINTED OFFICE -5 (five) POINTS ANNUALLY**6) PERCENTAGES OF ATTENDANCE AT EMERGENCY CALLS – MAXIMUM 50 (fifty) POINTS**

- 10-25% 15 (fifteen) POINTS
- 25-60% 40 (forty) POINTS
- 61-100% 50 (fifty) POINTS

7) CONTRIBUTIONS BASED ON TOTAL CREDITS. AN ELIGIBLE MEMBER SHALL BE AWARDED AN ANNUAL CONTRIBUTION BASED UPON THE FOLLOWING SCHEDULE:

Total Credits	Contribution
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0-34 POINTS = \$	0
35-39 POINTS = \$	100
40-44 POINTS = \$	200
45-49 POINTS = \$	300
50-59 POINTS = \$	400
60-69 POINTS = \$	500
70 or more POINTS = \$	600

8) A MEMBER SHALL BE VESTED AFTER FIVE YEARS.

9) BENEFITS SHALL BE PAYABLE AFTER 15 YEARS OF SERVICE, AT AGE 55, OR UPON ANOTHER QUALIFYING EVENT PURSUANT TO LAW.

§ 16-15. Maximum annual contribution.

The maximum annual contribution for an active volunteer member shall be \$600.00 per year.

§ 16-16. Method to change Annual Contribution

The contribution amounts may be increased as allowed by law; by a resolution approved by 2/3 of the Lower Alloways Creek Township Committee members at a regular monthly meeting.

§ 16-17. Estimated Annual Contribution by the Township.

The estimated cost of the program has been calculated as follows:

A. For regular annual contributions and services beginning in the 2009 budget year

Lower Alloways Creek FIRE DEPARTMENT:	\$15,00.00 per year
Lower Alloways Creek AMBULANCE SQUAD:	<u>\$ 5,00.00 per year</u>

Total estimated Contribution :	\$20,000.00 per year
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§ 16-18. Approval at general election; when effective.

This article shall not take effect unless it is approved by the voters, as a public question at the next general election as provided by New Jersey state statute and, if approved, shall become effective January 1, 2008.

CHAPTER 20

INSURANCE FUND

- § 20-1. Fund established.
- § 20-2. Amount of fund; disposition of excess moneys.
- § 20-3. Insurance Fund Commission; organization.
- § 20-4. Selection of Chairman.
- § 20-5. Powers and duties of Commissioners.
- § 20-6. Payment of premiums.
- § 20-7. Placement of insurance.
- § 20-8. Administration.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 4-18-83 as Ord. No. 83-8. Amendments noted where applicable.]

§ 20-1. Fund established.

There is hereby established an Insurance Fund for the Township of Lower Alloways Creek, in the initial amount of nineteen million four hundred eighty-seven thousand eight hundred two dollars (\$19,487,802.), for the following purposes:

A. To insure against any loss or damage, however caused, to the township's property, motor vehicles, equipment or apparatus or any property, motor vehicles, equipment or apparatus owned or under the control of any of the township's departments, boards, agencies or commissions.

B. To insure against liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by or controlled by the township or owned by or under the control of any of the township's departments, boards, agencies or commissions.

C. To insure against liability for the township's negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any act or services, but not including an independent contractor within the limitations of the New Jersey Tort Claims Act (N.J.S.A. 59:1 et seq.)

§ 20-2. Amount of fund; disposition of excess moneys.

The Township Committee may, by resolution, from time to time, designate the maximum or minimum amount of the fund and may appropriate additional amounts to the fund as it may

from time to time deem necessary. In addition, the Township Committee may, by resolution, from time to time, provide for the disposition of any excess over and above the maximum amount fixed or of the interest or profits arising therefrom when the fund shall have reached the maximum limit.

§ 20-3. Insurance Fund Commission; organization.

A. The Township Committee shall appoint three (3) officials of the local unit, who shall be members of the governing body, to serve as Commissioners of the Lower Alloways Creek Township Insurance Fund and shall appoint a person to serve as Secretary to the Insurance Fund Commission. The Commissioners shall hold office for two (2) calendar years or for the remainder of their terms of office as officials, whichever shall be less, and until their successors shall have been duly appointed and qualified. The Secretary shall serve at the pleasure of the Commission. The Commissioners shall serve without compensation. The salary of the Secretary shall be set by ordinance as authorized by the governing body.

B. Vacancies in the office of Insurance Fund Commissioners caused by any reason other than expiration of term as an official shall be filled for the unexpired term. Vacancies in the position of Secretary shall be filled in the manner of the original appointment.

§ 20-4. Selection of Chairman.

The Commissioners shall, forthwith after their appointment, organize, for the ensuing calendar year by election from their membership of a Chairman who shall serve for the year.

§ 20-5. Powers and duties of Commissioners.

The Insurance Fund Commissioners shall have the following powers and authority:

A. They may employ necessary clerical assistants, whose compensation will be fixed and paid by the Township Committee in the same manner as is that of other employees of the township.

B. They shall invest the fund and all additions and accretions thereto in such securities as they shall deem best suited for the purposes of this chapter.

C. They shall adopt rules and regulations for the control and investment of the fund.

D. They shall keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the township or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus.

E. They shall fix reasonable rates of premium for all insurance carried by the Insurance Fund and shall effect all insurance in the Insurance Fund or with any insurance company or companies authorized to do business in this state.

§ 20-6. Payment of premiums.

Premiums for insurance, whether carried in the Insurance Fund or placed with insurance companies, shall be paid to the Commissioners by the board, commission, department, committee or officer having charge or control of the property insured.

§ 20-7. Placement of insurance.

All insurance upon property owned or controlled by the township or any of its departments, boards, agencies or commissions shall be placed and effected by the Commissioners.

§ 20-8. Administration.

If provided by the rules and regulations of the Commission, the Secretary to the Insurance Fund Commission shall be entrusted with the daily operation of the Insurance Fund and shall submit a report to the Commissioners at least once a month.

CHAPTER 32
OFFICERS AND EMPLOYEES

Article I
Deputy Municipal Clerk

§ 32-1. Creation of office; term; appointment; powers and duties; salary.

Article II
Township Secretary

§ 32-2. Creation of office; appointment; term.

§ 32-3. Duties.

Article III
Municipal Attorney

§ 32-4. Appointment; term of office.

Article IV
Municipal Engineer

§ 32-5. Establishment of position; term.

§ 32-6. Compensation.

Article V
(Reserved)

§§ 32-7 through 32-11. (Reserved)

Article VI
Superintendent of Public Works

§ 32-12. Position created; duties.

§ 32-13. Discipline of subordinates; report of suspension.

§ 32-14. Full-time nature of position.

§ 32-15. Attendance at meetings.

§ 32-16. Residency.

§ 32-17. Term; manner of appointment.

§ 32-18. Removal from office.

LOWER ALLOWAYS CREEK CODE

Article VII

Township Bus Driver; Substitute Drivers

- § 32-19. Position created.**
- § 32-20. Substitute drivers.**
- § 32-21. Order of service**
- § 32-22. Qualifications; duties.**
- §32-23. Determination of pay.**

Article VIII

General Laborer and Seasonal General Laborer

- § 32-24. Position of general laborer established.**
- § 32-25. Position of seasonal general laborer established.**
- § 32-26. Duties.**
- § 32-27. Compensation.**

Article IX

Municipal Finance Officer

- § 32-28. Creation of office.**
- § 32-29. Powers and duties.**
- § 32-30. Appointment.**

Article X

Chief Financial Officer

- § 32-31. Creation of office.**
- § 32-32. Conformance with statute.**

Article XI

Public Works Foreman

- § 32-33. Position created; duties.**
- § 32-34. Manner of appointment.**
- § 32-35. Compensation.**

Article XII

Administrative Assistant

- § 32-36. Creation of position; appointment; term.**
- § 32-37. Duties.**

Article XIII

Public Works Records Coordinator

- § 32-38. Creation of position; appointment; term.**
- § 32-39. Duties.**

Article XIV
Director of Public Safety

§ 32-40. Creation of position; appointment

§ 32-41. Duties

§ 32-42. Term

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 3-5-1971 as Ord. No.71-2; Art. II, 2-1-1974 as Ord. No.74-1, amended in its entirety 1-19-1979 by Ord. No.79-3; Art II, 2-4-1972 as part of Ord. No.72-3; Art. IV, 4-2-1976 as Ord. No.76-9; Art. VI, 10-4-1982 as Ord. No.82-28; Art. VII, 6-2-1978 as Ord. No.78-19; Art. VII, 4-15-1977 as Ord. No.77-15, amended in its entirety 10-4-1982 by Ord. No.82-27; Art. IX, 2-24-1988 as Ord. No.88-3; Art. X, 3-22-1989 as Ord. No.89-7. Sections 32-1, 32-4 and 32-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Payroll account - See Ch. 37.

Personnel policies-See Ch. 40.

*Editor's Note: For current salary provisions, see Ch. 54, Salaries and Compensation,

Article I
Deputy Municipal Clerk
[Adopted 3-5-1971 as Ord. No.71-2]

§ 32-1. Creation of office; term; appointment; powers and duties; salary.
[Amended 11-21-1983 by Ord. No.83-22]

The office of Deputy Municipal Clerk for the Township of Lower Alloways Creek is hereby created, and the term of office shall be for a period of one (1) year commencing on January 1 and terminating on December 31 of each year. The person filling said office shall be appointed by the Township Committee and shall have all the powers of the Municipal *Clerk* and shall have the duty to perform all the duties of the Municipal Clerk during such times and for such specific periods as the Municipal Clerk shall be absent. The salary of said official shall be as provided by the Annual Salary Ordinance.*

Article II
Township Secretary
[Adopted 2-1-1974 as Ord. No.74-1;
Amended in its entirety 1-19-1979 by Ord. No.79-3]

§ 32-2. Creation of office; appointment; term.

The position of Township Secretary is hereby created, to be filled by appointment by the Township Committee. The term of the Township Secretary shall be indefinite; the Township Secretary shall serve at the pleasure of the Township Committee.

§ 32-3 Duties.

The Township Secretary shall perform such clerical duties as directed by the Township Committee or as further specified by resolution.

Article III**Municipal Attorney****[Adopted 2-4-1972 as part of Ord. No.72-3]****§ 32-4. Appointment; term of office. [Amended 11-21-1983 by Ord. No.83-22]**

A Municipal Attorney shall be appointed by the Township Committee, and the term of office of said Municipal Attorney shall be one (1) year.

Article IV**Municipal Engineer****[Adopted 4-2-1976 as Ord. No.76-9]****§ 32-5. Establishment of position; term.**

There is hereby established and affirmed the position of Municipal Engineer for the Township of Lower Alloways Creek. The term of office shall be three (3) years.

§ 32-6. Compensation.

There shall be no salary paid to the Municipal Engineer, but he shall be paid for services actually rendered to the municipality at the prevailing rates for said services or at a fixed fee pursuant to a special agreement made for a particular project, but in no case shall said fee be based on a percentage of the cost of said project.

Article V***(Reserved)****§§ 32-7 through 32-11. (Reserved)****Article VI****Superintendent of Public Works****[Adopted 10-4-82 as Ord. No.82-28]****§ 32-12. Position created; duties.**

- A. The Township Committee hereby creates the Office of Superintendent of Public Works. This position may be filled by a municipal employee having the appropriate qualifications and certificates, or it may be filled by a qualified individual employed by a contractor with whom the Township Committee has entered an agreement to provide the services detailed herein. The position may either be full time or part time, and the duties of the person assigned to be Superintendent of Public Works shall include but not be limited to the following:

*Editor's Note: Former Art. V, Public Housing Officer, adopted 4-21-78 as Ord. No.78-12, as amended, was repealed 10-15-84 by Ord. No.84-23.

(1) Supervision of and responsibility for the maintenance and security of all township land, buildings, equipment, parks, recreational facilities, supplies and property of any kind. This duty, like all other duties of the Superintendent of Public Works, shall be subject to modification by the Township Committee, and responsibility for certain property may be delegated to other persons, agencies or officials by the Township Committee.

(2) Direct supervision on a daily basis of the following township employees:

- (a) Mechanic.
- (b) Road Foreman.
- (c) Road employees.
- (d) General laborers.
- (e) Seasonal general laborers.
- (f) Lunch-program employees.
- (g) Sanitation employees.
- (h) Custodian of Buildings and Grounds.
- (i) Other employees as specified from time to time by the Township Committee.

These employees shall report to and comply with the direction of the Superintendent of Public Works or must otherwise be directed by the Township Committee.

- (3) Keeping time records and payroll sheets for the above-listed employees, including records of overtime, sick days, vacation time, disability and other benefits
- (4) Maintenance of personnel records of the above-listed employees.
- (5) Assigning duties to the above-listed employees and carrying out projects directed from time to time by the Township Committee.
- (6) Certifying receipt of goods and services on vouchers, wherever possible.
- (7) Serving as Clerk of the Works on construction projects as directed by the Township Committee.
- (8) Drawing up specifications for purchases as directed by the Township Committee.
- (9) Performance of such other duties as are from time to time assigned to him by the Township Committee.

B. In the event of emergencies of when it is impractical to obtain directions from the Township Committee, the Superintendent of Public Works shall report to, be directed by and perform such duties as are prescribed by the Mayor.

§ 32-13. Discipline of subordinates; report of suspension. [Added 2-21-83 by Ord. No.83-2]

A. The Superintendent of Public Works is hereby authorized to suspend without pay any township employee who is subject to his supervision for any violation of the rules and regulations described in the adopted Policy and Procedures Manual of the Township of Lower Alloways Creek.

B. The Superintendent of Public Works shall report any such suspension within twenty-four (24) hours to the Chairman or Co-Chairman of that department for which the suspended employee was working. The Superintendent of Public Works shall determine the duration of such suspension, until the next regular Township Committee meeting, or up to ten (10) calendar days. The Township Committee reserves the right to take additional action in regard to such employee.

§ 32-14. Full-time nature of position.

The Superintendent of Public Works shall serve on a full-time or part time basis and shall devote all of his time in service to the Township of Lower Alloways Creek to the discharge of his duties. [Amended 7/18/2006 by ORD. No. 2006-10]

§ 32-15. Attendance at meetings.

The Superintendent of Public Works shall attend all meetings of the Township Committee, both regular and special, unless excused by the Mayor or presiding officer.

§ 32-16. Residency.

The Superintendent of Public Works shall not be required to be a resident of the Township [Amended 12-20-05 by Ord. No. 2005-20]

§ 32-17. Term; manner of appointment.

The term of the Superintendent of Public Works shall be for a period of not less than one (1) year or more than three (3) years. The appointment to the office of Superintendent of Public Works shall be made by a majority vote of the Township Committee. [Amended 7/18/2006 by ORD. No. 2006-10]

§ 32-18. Removal from office.

The Superintendent of Public Works may be removed by a three-fifths vote of the Township Committee [Amended 7/18/2006 by ORD. No. 2006-10]

Article VII
Township Bus Driver; Substitute Drivers
[Adopted 6-2-78 as Ord. No.78-19]

§ 32-19. Position created.

The position of Township Bus Driver is hereby created.

§ 32-20. Substitute drivers.

The positions of First and Second Substitute Bus Drivers are created.

§ 32-21. Order of service.

The First Substitute Bus Driver shall serve when the Township Bus Driver is unavailable. The Second Substitute Bus Driver shall serve when neither the Township Bus Driver nor the First Substitute Bus Driver are available.

§ 32-22. Qualifications; duties.

All of the following terms and provisions pertaining to the Township Bus Driver shall apply to the First and Second Substitute Bus Drivers when they are serving:

- A. The Township Bus Driver shall be certified by the Township Physician to be physically and mentally fit to drive a passenger bus and shall undergo an annual physical examination by the Township Physician and be recertified each year as physically and mentally fit to drive a passenger bus in order to retain his position. These examinations and certifications shall be in accordance with those required by state law.
- B. The Township Bus Driver shall possess and have at all times a valid New Jersey passenger bus driver's license.
- C. The Township Bus Driver shall be appointed by the Township Committee and shall serve at the pleasure of the Township Committee.
- D. The Township Bus Driver shall report to and receive instructions from the Superintendent of Public Works as to the performance of his duties. If immediate instructions are needed and the Superintendent of Public Works is not available, then the Township Bus Driver shall report to and receive instructions from the Township Committeeman who is Chairman of the Recreation Department, and if he in turn is unavailable, then from the Mayor. The Township Bus Driver shall drive the township passenger bus on scheduled trips and shall have the right to decline any particular trip so long as he gives notice at least forty-eight (48) hours in advance of the departure time or as soon as possible in case of last-minute illness or emergency.
- E. The Township Bus Driver shall be responsible for the safe operating condition of his bus before, during and at the end of any trip. He shall perform a general inspection of the bus after each trip in order to report any damages.

- F. The Township Bus Driver shall maintain a service log, which shall remain in the bus and in which he shall enter the date, place and description of any malfunction, repair, maintenance, servicing, fueling or lubrication of the bus.
- G. The Township Bus Driver shall maintain a travel log, which shall remain in the bus and in which he shall enter the date, place, time and odometer mileage of each departure, stop and arrival of the bus.
- H. The Township Bus Driver shall report any malfunction of the bus to the Superintendent of Public Works.
- I. The Township Bus Driver shall not be limited to bus driving only but may at times be called upon to fill in as a substitute truck driver.
- J. The Township Bus Driver shall strictly abide by the schedule of any trip where possible but shall be free to exercise independent judgment at all times regarding the safety of his passengers and the protection of the vehicle and may take appropriate action for their safety and protection, including deviation from schedule.

§ 32-23. Determination of pay.

For day trips, the driver will be paid for the total number of hours of the trip. For overnight trips or trips of more than forty-eight (48) hours, the driver shall be paid for the ten-hour maximum driving period but not for the eight-hour rest period. However, after the eight-hour rest period, his pay will resume for the next ten-hour driving period. After arrival at destination, if the bus is to stay for one (1) day or more without needing to be used for transportation, the driver will receive his meals and lodging from the organization sponsoring the trip. However, he will not be paid for the time that he is not driving, but he will receive pay after the trip is resumed in the manner specified above.

Article VIII

General Laborer and Seasonal General Laborer
[Adopted 4-15-1977 as Ord. No.77-15; amended
in its entirety 10-4-1982 by Ord. No.82-27]

§ 32-24. Position of general laborer established.

The position of general laborer is hereby created. General laborers shall be hourly employees of the township and shall be appointed by the Township Committee.

§ 32-25. Position of seasonal general laborer established.

The position of seasonal general laborer is hereby created. Seasonal general laborers shall be hourly employees of the township.

§ 32-26. Duties.

The general laborer and seasonal general laborer shall perform general labor and other miscellaneous work for the township and its various departments as directed and supervised by the Superintendent of Public Works.

§ 32-27. Compensation.

Compensation for both of the foregoing positions shall be established by Ordinance.*

Article IX**
Municipal Finance Officer
[Adopted 2-24-1988 as Ord. No.88-3]

§ 32-28. Creation of office.

- A. The position of Municipal Finance Officer shall be created.
- B. The position of Municipal Finance Officer herein created shall be in conformance with the provision of N.J.S.A.40A:9-140.1 et seq.

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§ 32-29. Powers and duties.

The duties of said Municipal Finance Officer shall be as directed by, the Township Committee.

§ 32-30. Appointment.

Said Municipal Finance Officer shall be appointed on an annual basis.

Article X
Chief Financial Officer
[Adopted 3-22-1989 as Ord. No.89-7]

§32-31. Creation of office.

The position of Chief Financial Officer shall be created.

*Editor's Note: For current salary provisions, see Ch. 54, Salaries and Compensation

**Editor's Note: Former Art. IX, Assistant Treasurer, adopted 9-20-1982 as Ord. No.82-23, was repealed 2-24-1988 by Ord. No.88-4.

§ 32-32. Conformance with statute.

The position of Chief Financial Officer shall be in conformance with the requirements of N.J.S.A. 40A:9-140.1 et seq., as amended.

Article XI**Public Works Foreman**

[Adopted 12-21-04 as Ord. No.2004-23]

§ 32-33. Position created; duties.

The Township Committee hereby creates the position of Public Works Foreman. His/her duties shall include but not be limited to the following:

- A. Directly supervise the labor force of the Lower Alloways Creek Township Department of Public Works. This may include but not be limited to preparing and distributing daily work assignments, scheduling work projects and proper procurement of materials and supplies to keep projects on schedule.
- B. Perform daily inspections of the work performed by the employees of the Department of Public Works.
- C. Attend meetings, courses, conferences and training as may be required by the superintendent.
- D. Schedule maintenance and repairs of all Township equipment
- E. Prepare daily work rosters and track labor distribution and material cost for the department.
- F. Ensure compliance with the Collective Bargaining Agreement by the Township and its employees.
- G. Maintain Township recreational fields.

§ 32-34. Manner of appointment.

The appointment of the Public Work Foreman shall be made by a majority vote of the Township Committee. The Township Committee shall consider the recommendation of the Superintendent of Public Works along with any and all other factors it deems relevant to make such appointment.

§ 32-35. Compensation.

Compensation for the Public Works Foreman shall be established by ordinance.

Article XII
Administrative Assistant
[Adopted 12-21-04 as Ord. No. 2004-14]

§ 32-36. Position created; appointment; term.

The position of Administrative Assistant is hereby created to be filled by appointment by the Township Committee. The term of the Administrative Assistant shall be indefinite. The Administrative Assistant shall serve at the pleasure of the Township Committee.

§ 32-37. Duties.

The Administrative Assistant shall perform such clerical duties as directed by the Township Committee or as further specified by resolution.

Article XII
Public Works Records Coordinator
[Adopted 3-15-05 as Ord. No. 2005-4]

§ 32-38. Creation of position; appointment; term.

The position of the part-time Public Works Records Coordinator is hereby created to be filled by appointment by the Township Committee. The term of the part-time Public Works Records Coordinator shall be indefinite. The part-time Public Works Records Coordinator shall serve at the pleasure of the Township Committee.

§ 32-39. Duties.

The part-time Public Works Records Coordinator shall perform such clerical duties as directed by the Township Committee or as further specified by resolution.

ARTICLE IX**Director of Public Safety.**

[History: Adopted by the Township Committee of the Township of Lower Alloways Creek 2-3-2009 as Ordinance 2009-0, previously adopted as Ord 1975-11 (Chapter 46), repealed 2-24-88 by Ord 88-2]

§ 32-40 Creation of Position; Appointment.

There shall be a position of Director of Public Safety, who shall be appointed by the Township Committee subject to suspension or removal at will or any reason or method consistent with law. The Director of Public Safety's salary shall be fixed from time to time by a General Salary Ordinance.

§ 32-41 Duties. [Amended 8/18/2009 as Ord No. 2009-12]

- A. The Director of Public Safety shall be responsible for the organizational and administrative control of the Department of Police, governed by Chapter 43 and the Office of Emergency Management. Prior to appointment, the Director shall be qualified by training and experience for the duties of this office. The Director of Public Safety is responsible for providing the Township Committee with quarterly status reports or such more frequent reports as the Township Committee may request.
- B. The Director of Public Safety shall promulgate and from time to time revise and enforce rules and regulations for the hiring, control, disposition and discipline under the Director's organizational and administrative control of the officers, employees and volunteers, for their training and efficiency and for the use and care of Township equipment and Township apparatus.
- C. The Director of Public Safety shall gather information and make recommendations and reports to the Township Committee with regard to the annual budget for the Department of Police, Office of Emergency Management, and the Director's office to assist the Township Committee in the annual budget process.
- D. The Director of Public Safety shall be a civilian position, and is not responsible for any operational (day-to-day) control of any division of the Department of Public Safety, so long as there is an appointed Chief of Police serving in that capacity. In the event a Chief of Police has not been appointed, or in the event, the appointed Chief of Police is unable to serve in that capacity due to illness or incapacity, then the Director of Public Safety shall be responsible for operational control of the Township Police Department.

§ 32-42 Term.

The Director of Public Safety shall be appointed to a term, as determined by the Mayor and Township Committee. The Director shall work a minimum of 40 hours per week or such other amount as established by motion of the Township Committee.

CHAPTER 37
PAYROLL ACCOUNT

Article I
Payroll Vouchers

- § 37-1. Presentation of voucher.
- § 37-2. Drawing of checks.
- § 37-3. Correction of errors or adjustments in payroll.
- § 37-4. Signing of vouchers.

Article II
Signing of Checks

- § 37-5. Authority to sign.
- § 37-6. Required signatures.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 10-4-82 as Ord. No. 82-33; Art. II, 9-20-82 as Ord. No. 82-22. Amendments noted where applicable.]

GENERAL REFERENCES
Approval of claims—See Ch. 8.
Personnel policies—See Ch. 40.

Article I
Payroll Vouchers
[Adopted 10-4-82 as Ord. No. 82-33]

- § 37-1. Presentation of voucher.

The Treasurer or Assistant Treasurer of the township shall present biweekly to the Township Committee for its approval a voucher drawn to the order of the Township of Lower Alloways Creek Payroll Account as follows:

- A. For all employees whose salaries are on a monthly or bi-weekly basis, when such salaries are due and payable.

B. For all employees whose compensation is on an hourly basis, when the compensation has been approved by some responsible, designated official and the chairman of the appropriate committee and has been certified to the Township Treasurer or Assistant Treasurer.

§ 37-2. Drawing of checks.

The Treasurer and Assistant Treasurer shall draw checks on said payroll account to employees entitled to payment therefrom.

§ 37-3. Correction of errors or adjustments in payroll.

In case of error or adjustment in the payroll, the Treasurer or Assistant Treasurer shall, and it shall be his duty to, see that such error or adjustment shall be properly corrected and appropriate record made thereof.

§ 37-4. Signing of vouchers.

Such officers as may be designated by the Township Committee are hereby authorized to sign vouchers drawn in favor of the payroll account upon due notice that the appropriate payrolls have been approved by the proper committee and the proper certifying authorities, which certifying authorities and committee shall have been designated by resolution.

Article II

Signing of Checks

[Adopted 9-20-82 as Ord. No. 82-22]

§ 37-5. Authority to sign.

The Township Treasurer and the Assistant Township Treasurer are hereby authorized to sign all payroll checks issued by the township.

§ 37-6. Required signatures.

The signatures of both the Township Treasurer and the Assistant Treasurer shall be required on all township payroll checks which are issued.

CHAPTER 40**PERSONNEL POLICIES****Article I****Working Conditions and Benefits**

- § 40-1. Definitions.
- § 40-1.1. Introductory Period.
- § 40-1.2. Benefits eligibility.
- § 40-2. Compensation.
- § 40-2.1. Deferred compensation plan.
- § 40-3. Overtime.
- § 40-3.1. Compensatory time off.
- § 40-4. Life insurance coverage.
- § 40-5. Health-care coverage.
- § 40-6. Dental insurance coverage.
- § 40-7. Prescription drug plan.
- § 40-8. Payment for eye examinations and eyeglasses; eligibility.
- § 40-9. Health insurance following retirement.
- § 40-10. Employees covered under other plans.
- § 40-11. Holidays.
- § 40-12. Vacations.
- § 40-13. Sick leave.
- § 40-13.1. Disability leave and regulations.
- § 40-14. Personal leave.
- § 40-15. Longevity pay.
- § 40-16. Service bonus.
- § 40-17. Determining years of service for purpose of retirement benefit.
- § 40-17.1. Determining adjusted service date.

Article II**Residency Requirements**

- § 40-18. Definitions.
- § 40-19. Residency required.
- § 40-20. Exceptions.
- § 40-21. Enforcement.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 3-3-1980 as Ord. No. 80-5; Art. II, 4-21-1978 as Ord. No. 78-13. Amendments noted where applicable. Also note that an entire new Employee and Personnel Manual was adopted by the Township Committee on 4/16/08, Ord No. 2008-07, Adopted 6/17/08 makes changes to Chapter 40 to reflect changes made by the Employee and Personnel Manual]

GENERAL REFERENCES

Officers and employees—See Ch. 32.

Payroll account—see Ch. 37.

Salaries and compensation—See Ch. 54.

Article I

Working Conditions and Benefits

[Adopted 3-3-1980 as Ord. No. 80-5, amended 6-17-08 by Ord. No. 2008-07]

§ 40-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ELECTED OFFICIALS — Those officials who are elected to their position or who were originally elected to their position but now have tenure. The term “elected official” shall include members of the governing body.

FULL-TIME EMPLOYEES — Employees who regularly work a forty-hour week on a year-round basis, other than police officers and police dispatchers.

OFFICIALS — Both elected and appointed officials unless otherwise specified. “Appointed officials” shall not include those officials providing professional services as defined in N.J.S.A. 40A: 11-2(6). [Amended 2-2-1981 by Ord. No. 8 1-4]

PART-TIME EMPLOYEES — Employees who regularly work less than forty (40) hours per week, whether on a year-round or seasonal basis, other than police officers and dispatchers. For purposes of determining years of service under this code, one (1) year’s service for part-time employees shall consist of two thousand eighty (2,080) hours. [Added 10-14-1987 by Ord. No. 8714*]

TEMPORARY EMPLOYEES --Temporary (e.g., seasonal) employees shall be defined as working six months or less in a calendar year. [Added 6-17-08 by Ord. No. 2008-07]

§ 40-1.1. Introductory Period. [Added 10-5-1993 by Ord. No. 93-20, amended 6-17-08 by Ord. No. 2008-07]

A new employee will serve an introductory period for twelve (12) months from the initial date of hire. Upon satisfactory completion of the introductory period, as determined by the Superintendent of Public Works and the Township Committee, an employee will be placed on the seniority list retroactive to his or her first date of hire. An employee who does not successfully complete the introductory period will be terminated.

*Editors Note: This ordinance also provided as follows: This ordinance shall only apply prospectively and shall not affect the rights of any former or current township employees.’

§ 40-1.2. Benefits eligibility. [Added 10-5-1993 by Ord. No. 93-20, amended 6-17-08 by Ord. No. 2008-07]

A. Other than basic health-care benefits, as set forth in § 40-5 hereafter, employees of Lower Alloways Creek Township shall not become eligible for any benefits, including sick leave and disability leave, under any other ordinance or plan until the completion of the Introductory period as set forth in § 40-1.1 herein. New full-time permanent employees shall become eligible for basic health care coverage (40-5), excluding dental, prescription and eyeglasses, ninety (90) days after their initial date of hire.

B. Upon the successful completion of the Introductory period, as determined by the Superintendent of Public Works and the Township Committee, new employees shall become eligible for all benefits, as provided for by ordinance or resolution, as of that date. No benefits will be retroactive to the date of hire.

§ 40-2. Compensation.

The basic compensation for employees and officials of the township has been fixed by other ordinance,* which shall be subject to amendment from time to time.

§ 40-2.1. Deferred compensation plan. [Added 9-9-1987 by Ord. No. 87-13]

All full-time employees, part-time employees, elected officials and appointed officials shall be entitled to participate, but are not required to participate, in the Public Employees' Deferred Compensation Plan. Copies of the plan are on file in the office of the Municipal Clerk and may be inspected at any time during regular working hours. The Treasurer of the township is authorized to withhold funds from the payroll for any eligible person who chooses to participate.

§ 40-3. Overtime.

Each full-time employee shall be paid at the rate of one and one-half (1-1/2) times his hourly wage rate as fixed by ordinance for all time worked in excess of forty (40) hours in any given calendar week, except when holiday pay, as provided herein, is being received.

§ 40-3.1. Compensatory time off. [Added 10-26-1988 by Ord. No. 88.15]

A. Each full-time employee may receive, in lieu of overtime compensation, compensatory time off at a rate not less than one and one-half (1-1/2) hours for each hour of employment for which overtime compensation is required. In order to qualify for compensatory time off, each full-time employee must, prior to performance of the work, arrive at an agreement or understanding with his or her department head. For work in a public safety or emergency response activity, the maximum number of hours a full-time employee may accrue in a year is four hundred eighty (480) hours. For all other types of work, the maximum number of hours a full-time employee may accrue in a year is two hundred forty (240) hours.

*Editors Note: See Ch. 54, Salaries and Compensation.

B. All compensatory time accrued shall be used within six (6) months of its accrual. Department heads shall approve the scheduling of the use of compensatory time off to best fit the needs of the particular department.

§ 40-4. Life insurance coverage.

Each official and employee of the township shall be covered by such life insurance as is provided by the public employee retirement benefit system so long as he is enrolled in that system.

§ 40-5. Health-care coverage. [Amended 2-15-1982 by Ord. No. 82-5; 2-10-1988 by Ord. No. 88-1; 3-23-1988 by Ord. No. 88-6; 2-8-1989 by Ord. No. 89-6; 9-17-1991 by Ord. No. 91-9; 11-16-1992 by Ord. No. 92-26]

A. Persons covered. The township shall pay for and maintain health-care insurance for full-time employees, their spouses, and unmarried children under twenty-three (23) years of age provided that, if said children are over nineteen (19) years of age and under twenty-three (23) years of age, they are matriculated in an accredited educational institution and are actively pursuing a degree or certification program. If a township employee who has been employed by the township for a minimum of five (5) years dies, the surviving spouse shall be covered until remarriage. The children shall be covered until the spouse is remarried or the children emancipated. [Amended 5-5-1998 by Ord. No. 98-5]

B. Active employees age sixty-five (65) and over. Those employees in active service on a full-time basis [forty (40) hours] age sixty-five (65) and over and who are eligible for coverage under the Lower Alloways Creek Health Plan and their eligible spouses age sixty-five (65) and over will be provided with the coverage on the same basis as those active covered employees under the age of sixty-five (65) unless such employee rejects the employer provided group health plan and elects Medicare as his only coverage. If such employee elects to retain his coverage under the Lower Alloways Creek Township Plan, then this plan shall be primary payer for such an employee and eligible dependents and Medicare shall be the secondary payer.

§ 40-6. Dental insurance coverage. [Amended 12-15-1982 by Ord. No. 82- 5; 3-23-1988 by Ord. No. 88-6; 2-8-1989 by Ord. No. 89-5; 9-17- 1991 by Ord. No. 919*; 5-5-1998 by Ord. No. 98-51]

The township shall pay for and maintain dental insurance for full-time township employees, their spouses and unmarried children under twenty-three (23) years of age, provided that, if said children are over nineteen (19) years of age and under twenty-three (23) years of age, they are matriculated in an accredited educational institution and are actively pursuing a degree or certification program. If a township employee who has been employed by the township for a minimum of five (5) years dies, their surviving spouse shall be covered until remarriage. The children shall be covered until the spouse is remarried or the children are emancipated.

§ 40-7. Prescription drug plan. [Added 4-6-1981 by Ord. No. 81-10; amended 10-4-1982 by Ord. No. 82-31; 2-8-1989 by Ord. No. 89- 2; 9-17-1991 by Ord. No. 919*; 5-5-1998 by Ord. No. 98-5]

The township shall provide insurance for a drug prescription plan for full-time township employees, their spouses and unmarried children under twenty-three (23) years of age, provided that, if said children are over nineteen (19) years of age and under twenty-three (23) years of age, they are matriculated in an accredited educational institution and are actively pursuing a degree or certification program. If a township employee who has been employed by the township for a minimum of five (5) years dies, their surviving spouse shall be covered until remarriage. The children shall be covered until the spouse is remarried or the children are emancipated.

§ 40-8. Payment for eye examinations and eyeglasses; eligibility. [Amended 3-5-1984 by Ord. No. 84-6; 4-17-1990 by Ord. No. 90-6]

The township shall pay up to two hundred dollars (\$200.) per year, upon presentation of a paid receipt or submittal of a voucher from an optician, optometrist or ophthalmologist, for an eye examination and/or purchase of eyeglasses for any of the following;

- A. Full-time employees.
- B. Elected officials.
- C. Appointed officials.

*Editors Note: Section 2 of this ordinance provided as follows: The amendments to Chapter 40 of the Code of the Township of Lower Alloways Creek effected by this ordinance shall have no application to township personnel receiving benefits under the township personnel policy contained in Chapter 40 of said Code prior to adoption of the within ordinance; provided, however, that the benefits received by the members of the Lower Alloways Creek Township Committee pursuant to Chapter 40 of the Code of the Township of Lower Alloways Creek shall terminate on January 1, 1992.

§ 40-9. Health insurance following retirement. [Amended 1-28-1987 by Ord. No. 87-1; 9-17-1991 by Ord. No. 91-9; 5-5-1992 by Ord. No. 92-9; 11-16-1992 by Ord. No. 92-261]

A. Subject to § 40-9B below, after retirement, full-time township employees and their spouses, if residing in the same household, shall be entitled to have maintained at the township's expense such life insurance and healthcare insurance under the township's group policies as are maintained for full-time township employees covered in such limits as maintained by the township, as from time to time shall be determined and as permitted within the age limitation for such retired full-time township employees, provided that such full-time township employees shall have completed ten (10) years of continuous service to the township as full-time township employees.

B. Those retirees who are eligible for Medicare are required by state law to enroll in the Full Medicare Program (Part A and Part B) in order to be covered under the Lower Alloways Creek Township Health Plan. Medicare shall be primary payer and Lower Alloways Creek Township's plan shall be secondary payer.

C. On the death of a retired township employee who was entitled to health insurance following retirement, his or her spouse, who qualifies under this section, shall be entitled to have those benefits maintained at the township's expense until remarriage. Said spouse, if eligible for Medicare, is required by state law to enroll in the Full Medicare Program (Part A and Part B) in order to be covered under the Lower Alloways Creek Township Health Plan. Medicare shall be primary payer and Lower Alloways Creek Township's plan shall be secondary payer.

§ 40-10. Employees covered under other plans.

There shall be no "in lieu" payments for personnel who do not receive insurance coverage paid for by the township because they are covered under other plans.

§ 40-11. Holidays.

The following holidays shall be observed with compensation by full-time employees as follows:

A. Whenever a full-time employee is required to work on an official holiday listed below, such employee who is scheduled to work shall be compensated by being paid at the rate of two and five-tenths (2.5) times his prevailing hourly rate for the time actually on duty, and if said employee should work less than a full eight-hour schedule, he shall be paid for the balance of the day at his prevailing rate, but in no event shall he be paid for less than four (4) hours at two and five-tenths (2.5) times his normally hourly rate.

B. Said official holidays are as follows: [Amended 1-19-1992 by Ord. No. 93-1, 6-17-08 by Ord No. 2008-07]

- (1) New Year's Day.
- (2) Good Friday.
- (3) Memorial Day.
- (4) Independence Day.
- (5) Labor Day.
- (6) Columbus Day
- (7) Veterans Day.
- (8) Thanksgiving Day.
- (9) The day after Thanksgiving Day.
- (10) Christmas Day.

C. Any full-time employee scheduled to work on an official holiday as listed above who is absent from work on that day without a valid excuse shall not receive any compensation for said day, not even his holiday pay, if he worked either the day before or the day after this scheduled official holiday. [Added 10-6-1980 by Ord. No. 80-26]

§ 40-12. Vacations. [Amended 4-21-1980 by Ord. No. 80-7; 2-12-1986 by Ord. No. 86-3; 1-28-1987 by Ord. No. 87-1; 10-28-1987 by Ord. No. 87-17; 12-28-1993 by Ord. No. 93-26]

A. Each full-time employee shall be entitled to receive vacation time with pay as follows:

Completed Time (years)	Vacation Time (weeks)
1 to 5	2
5 to 10	3
10 to 15	4
15 or over	5

[NOTE: Except for the first twelve (12) months of employment, an employee's right to receive vacation time with pay shall accrue on January 1 of each year. A new employee shall be entitled to two (2) weeks' vacation following the completion of the first twelve (12) months of continuous service, to be taken between the anniversary date of employment and December 31 of that year; on January 1 of the following year, the employee shall be deemed to have completed one (1) year of service and shall be entitled to vacation time according to the schedule above. During the calendar year in which an employee will complete five (5), ten (10) or fifteen (15) years of service, that employee shall be entitled to one (1) additional week of vacation, to be taken at any time during that calendar year.]

B. Each full-time employee shall be permitted to use up to one (1) week's vacation one (1) day at a time or in multiples thereof, not to exceed four (4) days, upon three (3) days' notice to the employee's supervisor, who shall have sole discretion as to whether or not to grant or deny this request.

C. Each full-time employee who has completed five (5) years or more of service can carry forward into the next year of service one (1) week's [i.e., five (5) days] vacation time and each full-time employee who has completed fifteen (15) years or more of service can carry forward into the next year of service two (2) weeks [i.e., ten (10) days] vacation time; provided, however, that said full-time employee shall use this carried-forward vacation time within the next calendar year following the completed year of service.

§ 40-13.* Sick leave. [Added 10-5-1993 by Ord. No. 93-20, amended 6-17-08 by Ord. No. 2008-07]

A. Eligibility. Sick leave shall only be available to full-time permanent employees and salaried employees, except for members or employees of the Police Department who are covered by other plans. Seasonal or part-time employees shall not receive sick leave.

B. Definition. 'Sick leave' is paid leave that may be granted to each full-time employee and salaried employee who is unable, due to his or her own sickness or injury, to perform the duties of his or her position or who is quarantined by a physician because he or she has been exposed to a contagious disease. Employees whose absences are due to sickness or injury compensable under state workers' compensation laws will not be charged with sick leave.

C. Number of days allowed. Eligible employees may use up to a maximum of ten (10) days as sick days per calendar year. The sick days shall be deemed available in full at the beginning of each calendar year. If an employee is hired mid-year, he or she shall be entitled to a pro rata share of the total sick days allowable for one (1) year, as computed from the date of successful completion of the Introductory period. There will be no carry-over or accumulation of unused sick days from year to year.

D. Doctor's certificate.

(1) After taking three (3) days of sick leave within any seven-day period, an eligible employee is required to present a doctor's certificate before returning to work, stating the nature of the illness and affirming the employee's fitness to return to work. In the case of a contagious disease or exposure to the same, a certificate from the County Department of Health shall be required. Other evidence to validate an employee's sick leave may be required at the discretion of the department head.

(2) Additionally, an eligible employee is required to present a doctor's certificate before returning to work for any sick leave absence after the employee's second incidence of sick leave in any calendar year. [An "incidence" of sick leave is defined as any one (1) continuous absence from work pursuant to this section.] The employee will be required to present a doctor's certificate before returning to work for each and every subsequent sick leave absence, no matter the duration, until he or she has completed twelve (12) consecutive months without a sick leave absence.

E. Notification required. An eligible employee taking sick leave is required to notify his or her immediate supervisor of the absence as close to the beginning of the workday as possible. If the immediate supervisor is unavailable, notification should be given to the person in charge of the employee's department. The employee is required to inform the supervisor or department head of the absence for each day of sick leave taken.

F. Unauthorized absence. An employee who is absent from duty without reporting to his or her supervisor prior to said absence, and in no case for more than twenty-four (24) hours after the time he or she would normally report to work, will be considered absent without leave, and a deduction of pay will be made for such absence. In the discretion of the Township Committee, such absence will be grounds for disciplinary action, up to and including immediate dismissal. The use of sick leave for reasons other than those stated in Subsection B shall also be grounds for disciplinary action, up to and including termination.

*Editors Note: Former § 40-13, Disability pay, was deleted 10-5-1993 by Ord, No, 93-20. See now § 40- 3.1 , Disability leave and regulations.

G. Current employees; transition. All current eligible employees as of the effective date of this section shall receive four (4) days of sick leave for the remainder of the 1993 calendar year.

H. Sick leave after reporting to work. If an employee who has already reported for duty is required to leave his or her duty for any of the reasons set forth in Subsection B above prior to the completion of one-half (1/2) days work, said employee will be charged one (1) full sick day. If the employee has completed more than one-half (1/2) day's duty before being required to leave, he or she shall be charged one-half (1/2) day's sick leave for that particular day.

§ 40-13.1. Disability leave and regulations. [Added 10-5-1993 by Ord. No. 93-20]

A. Plan adopted. The Township of Lower Alloways Creek hereby adopts a self-funded disability benefit plan for certain employees of the township. This plan does not cover members or employees of the Police Department, for whom other plans are in effect. All previous ordinances, plans or other written policies concerning disability benefits for township employees are hereby rescinded and will hereafter be considered null and void.

B. Compensible disability. Disability shall be compensible, subject to the limitations of this section, where a covered individual suffers a serious accident, illness or hospitalization at the onset of which it can be medically certified that the employee is expected to be out of work for at least two (2) weeks. Said accident, illness or hospitalization shall not arise out of or in the course of the individual's employment or if so arising not compensible under the state Workers' Compensation Law, Occupational Disease Law or other similar law and resulting in the individual's total inability to perform the duties of employment.

C. Covered individual. A covered individual under the plan set forth herein is any person who:

- (1) Has been employed by the township on either an hourly or salaried basis for a minimum of twelve (12) months; and
- (2) Is a full-time, permanent (non-seasonal) employee or salaried official; and
- (3) Has used up all available sick leave.

D. Duration. Benefits under this plan shall be payable from the first day for which there is no sick leave coverage available and for each day thereafter that the disability continues up to a maximum of twenty-six (26) weeks.

E. Benefits paid. A covered individual under this plan shall receive his or her full pay for the period of disability. "Full pay" is considered his or her weekly wage, based on a forty- hour week, at the time the disability occurs.

F. Limitation of benefits. In addition to the foregoing limitations set forth in this plan, no benefits shall be payable to any person:

- (1) For any period during which the claimant is not under the care of a legally licensed physician, dentist, optometrist, podiatrist, practicing psychologist or chiropractor who, when requested by the township, shall certify within the scope of the practitioner's practice the disability of the claimant, the probable duration thereof and, where applicable, the medical facts within the practitioner's knowledge.
- (2) For any period of disability due to willfully and intentionally self-inflicted injury or to injury sustained in the perpetration by the claimant of any crime.
- (3) For any period during which the claimant performs any work for remuneration or profit.
- (4) In a weekly amount which, together with any remuneration the claimant continues to receive from the township, would exceed the weekly wage immediately prior to disability.

G. Non-duplication of benefits.

(1) No benefits shall be required or paid under this plan for any period during which benefits are paid or payable under:

(a) Any unemployment compensation or similar law.

(b) Any disability or cash sickness benefit or similar law of New Jersey, any other state or the federal government.

(c) Any Workers' Compensation Law, occupational disease law or similar legislation of New Jersey, any other state or the federal government, except where said benefits are for permanent partial or permanent total disability previously incurred.

(2) Where a claimant's claim for compensation under the laws or legislation set forth in Subsection G (l) (b) or (c) above is delayed, benefits will be paid under this plan; however, in the event that any such benefits are awarded under said laws or legislation for the same time period during which benefits were paid under this plan, the township shall be entitled to be subrogated to such claimant's award to the extent of the amount of disability payments made hereunder.

H. Procedures. (1) In the event of the disability of any individual covered under this plan, that individual shall, no later than the first day following the exhaustion of his or her sick leave, notify the township of said disability, whereupon the township will provide the individual with the necessary forms and/or instructions for filing a notice and claim for benefits under this plan. Said notice and claim shall be filed with the township by the individual according to the instructions given not later than twenty (20) days after the commencement of the period of disability for which the notice is furnished. Said notice and claim must be accompanied by medical proof, which shall include certification of total disability by the attending physician or a record of hospital confinement. Failure to furnish notice and proof within the time or in the manner provided above shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the township not to have been reasonably possible to furnish such notice and proof and that such notice and proof was furnished as soon as reasonably possible.

(2) A person claiming benefits under this plan shall submit, at intervals not more than once a week, proof of continuing total disability as requested by the township and/or submit to an examination by a health-care professional designated by the township. Any such examinations shall be scheduled at a reasonable time and place and, if the claimant so requests, by a professional of the same sex. Refusal to comply with this section shall disqualify the claimant from all benefits for the period of disability for which proof is being requested.

(3) All medical records in the possession of the township, except to the extent necessary for proper administration of benefits, shall be confidential and shall not be published or open to public inspection in any manner revealing the identify of the claimant or the nature of the disability or cause of the disability. Only the Superintendent of Public Works, the Township Clerk and members of the Township Committee shall have access to medical reports.

I. Review. If a person claiming benefits under this plan and the township are unable to agree as to the claimant's eligibility for benefits under this plan, such claimant may, within thirty (30) days of receipt of notice that benefits were denied, file a complaint, in writing, with the Township Committee, which shall conduct an investigation or appoint one (1) or more individuals to conduct the same, including informal hearings, as is deemed proper. If the matter is not settled, the Township Committee shall conduct a fair and impartial hearing, upon due notice to the claimant. The Township Committee shall take whatever steps are necessary to ensure that said hearing is fair and impartial. The evidence submitted at the hearing shall not be governed or limited by the rules of evidence. All proceedings at the hearing shall be recorded but need not be transcribed unless the decision is to be reviewed. The Township Committee shall make a determination of facts and an order disposing of the issues presented. A copy of the order shall be served upon the claimant by registered mail. Said order is subject to appropriate judicial review by the claimant, in which case the claimant shall bear the cost of recording and transcribing the proceedings.

J. Penalties for false statements or representations. If any person making a claim under this plan makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, such action will immediately disqualify such person for any benefit under this plan, as well as any benefits that were already paid based upon reliance on said false statements or representations or material omissions. Said action will also be grounds for disciplinary action, up to and including termination of employment. The township reserves the right to pursue any other available sanctions against any individual committing these acts, including prosecutor under applicable state law.

§ 40-14. Personal leave. [Amended 6-17-08 by Ord. No. 2008-07]

Each full-time employee shall be entitled to six (6) days' leave of absence for personal business during time that he is regularly scheduled for duty, provided that the head of the department must approve in advance each day selected. There shall be no carry-over of unused personal business days from one calendar year to another.

§ 40-15. Longevity Payments. [Added 6-17-08 by Ord. No. 2008-07]

All full time Administrative Employees not receiving an annual longevity payment as a result of a collective bargaining agreement, shall after one year's full employment receive \$1000.00 as a longevity payment each year following their anniversary date of hire.

§ 40-16. Service bonus. [Amended 9-15-1980 by Ord. No. 80-23; 2-8-1989 by Ord. No. 89-4; 5-15-1990 by Ord. No. 90-8]

A. Employees and officials, excluding Township Committee persons, having an income of at least two thousand five hundred dollars (\$2,500.) annually as of the date of eligibility and having been employed by the township as full-time employees and/or salaried officials for not less than twenty-five (25) years, upon retirement from such employment, shall be entitled to receive a service bonus calculated at the sum of three hundred dollars (\$300.) for each year of continuous employment. Such one-time payment shall be made within ninety (90) days of retirement.

B. Employees and officials, excluding Township Committee persons, having an income of at least two thousand five hundred dollars (\$2,500.) annually as of the date of eligibility and having been employed by the township as full-time employees and/or salaried officials for less than twenty-five (25) years but not less than ten (10) years, who have attained the age of fifty-five (55) years on or prior to retirement from such employment, shall be entitled to receive a service bonus calculated at the rate of three hundred dollars (\$300.) for each year of continuous employment. Such one-time payment shall be made within ninety (90) days of retirement.

§ 40-17. Determining years of service for purpose of retirement benefit. [Added 9-15-1980 by Ord. No. 80-23]

A. Employees and officials who have returned to full-time employment or a salaried position for a period of at least five (5) years after a break in employment of not more than six (6) years shall be allowed to include their years of full-time employment and/or service in a salaried official position prior to the break for the purpose of calculating the retirement benefit hereinbefore described in § 40-16.

B. Any full-time employees employed as of the effective date of this Article who shall have had a break in employment of any duration prior to said effective date shall be allowed to include their years of full-time employment and/or service in a salaried official position prior to the break for the purpose of calculating the aforementioned retirement benefit.

§ 40-17.1. Determining adjusted service date. [Added 2-12-1986 by Ord. No. 86-31]

In order for an employee to receive an adjusted service date, the same reflecting a time previously worked for the township, the employee must satisfy the following criteria and/or conditions:

A. Each employee must have returned to full-time employment for three (3) consecutive years subsequent to his/her break in employment, in order to be eligible to receive his/her previous period of employment adjusted to his service date.

B. Adjusted service dates shall be given for those township employees who had previously worked as either temporary employees, part-time employees and/or full-time employees; provided, however, that the adjusted service date shall only be available to those full-time permanent employees who satisfy the requirements and/or conditions set forth in Subsection A.

C. The adjusted service date shall make the affected employee eligible for any and all benefits, except seniority in the case of a layoff by the township, in which case seniority shall be based upon the date of employment as a permanent full-time employee, without adjustment for any break in service.

D. The township shall not pay back compensation based on the adjusted service date of a township employee, and any pay increases subsequent to the adjusted service date shall be effective from the adjusted service date only if the requirements and conditions set forth in Subsection A are satisfied.

E. The township, in granting adjusted service dates to its employees, shall not purchase back any pension benefits received by the affected employee as a result of previous employment with the township; however, if an affected employee desires to purchase back his/her pension, he/she will have an opportunity to do so upon payment of the full pension amount.

Article II

Residency Requirements

[Adopted 4-21-1978 as Ord. No.78-13]

§ 40-18. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

RESIDENT --A person permanently domiciled and having his place of abode within the Township of Lower Alloways Creek.

§ 40-19. Residency required.

Except as otherwise provided below, all officers and employees of the Township of Lower Alloways Creek are required as a condition of their employment or of their continued employment to be residents of the Township of Lower Alloways Creek.

§ 40-20. Exceptions. [Amended 9-7-1979 by Ord. No.79-39; 1-31-1981 by Ord. No.81-2; 11-16-1981 by Ord. No.81-24; 1-4-1982 by Ord. No.81-26; 2-15-1982 by Ord. No.82-3; 3-23-1988 by Ord. No.88-6; 4-21-1992 by Ord. No.92-7; 1-19-1992 by Ord. No.93-2; 12-20-2005 by Ord. No. 2005-20, 6-17-08 by Ord. No. 2008-07]

A. The Township Committee of the Township of Lower Alloways Creek shall have the authority to grant exceptions from § 40-19 on a case-by-case basis for good cause shown.

B. Additionally, the following employees and officers are not required to be or continue to be residents of the Township of Lower Alloways Creek:

- (1) Professionals, such as engineers, attorneys, accountants, auditors, architects and planners.
- (2) Consultants.
- (3) Part-time police officers.
- (4) Special police officers.
- (5) Superintendent of Public Works.

§ 40-21. Enforcement.

A. Failure of any officer or employee to comply with this regulation shall be deemed, regardless of tenure status, sufficient cause for removal or discharge from the service of the township.

B. The Township Committee of the Township of Lower Alloways Creek or its duly authorized agent is hereby authorized to investigate into the residency and domicile of any officer or employee of the township and to require said officer or employee to produce proof of bona fide residence and domicile within the Township of Lower Alloways Creek.

C. As a condition of employment or of continued employment, each and every employee or officer or prospective employee or prospective officer shall be required, if requested by the Township Committee, to execute an affidavit, in form prescribed by the Township Committee, setting forth, inter alia, that said employee or officer is a resident of the Township of Lower Alloways Creek.

D. Any township officer or employee who is not exempted from this regulation and who is not a resident or ceases to be a resident of Lower Alloways Creek shall be given a ten-day notice setting forth the charge that he is not a resident of the Township of Lower Alloways Creek and will be discharged on account thereof. Said notice shall provide that the officer or employee shall be entitled to a full hearing before the Township Committee on the issue of said employees or officers residency, and said notice shall set forth the time and place when said hearing shall be held.

CHAPTER 43

POLICE DEPARTMENT

Article I

Establishment; Administration; Operation

- § 43-1. Establishment.
- § 43-2. Organization
- § 43-3. Composition of Department.
- § 43-4. Functions of the Police Department
- § 43-5. Qualifications for Appointment and Promotion
- § 43-6. Probationary service.
- § 43-7. Departmental rules and regulations.
- § 43-8. Conduct of members; obedience to superiors.
- § 43-9. Weapons.
- § 43-10. Compensation.
- § 43-11. Police radio dispatchers.

Article II

Chief of Police

- § 43-12. Administrative duties.
- § 43-13. Hours; responsibilities of office; compensation.

Article III

Compensation and Benefits

- § 43-14. Annual salary.
- § 43-15. Longevity payments.
- § 43-16. Extra pay for certain shifts.
- § 43-17. Biweekly payment of salary.

Article IV

Inter-municipal Police Assistance

- § 43-18. Authorization to participate
- § 43-19. Reciprocal effectiveness of agreement
- § 43-20. Participating Municipalities
- § 43-21. Copy of Agreement
- § 43-22. Officers authorized to execute

Article I**Establishment; Administration; Operation****[Adopted 12-29-1972 as Ord. No.72-10, 7-12-2005 as Ord No. 2005-13]****§ 43-1. Establishment [Amended 2-20-1996 as Ord. No. 96-2, 7-12-2005 as Ord. No. 2005-13]**

The Police Department of the Township of Lower Alloways Creek is established pursuant to N.J.S.A. 40A:14-118 and the Code of the Township of Lower Alloways Creek. The Township Committee shall designate one (1) of the members of the Department as Chief, who shall be the head of the Department and shall be in charge of the routine day to day operations of the Department

§ 43-2. Organization of Police Department [Amended 7-12-2005 as Ord. No. 2005-13]

A. Pursuant to the Township Committee form of government (N .J .S. A. 40A:63-1 et seq.), the "appropriate authority" as set forth in N.J.S.A. 40A:14-118 shall be the Township Committee.

B. Nothing set forth herein shall prevent the appointment by the Township Committee of committees or commissions to conduct investigations of the operation of the Police Department and the delegation to such committees or commissions of such powers of inquiry as the Township Committee deems necessary or to conduct such hearing or investigation authorized by law. Nothing herein contained shall prevent the Township Committee or the Police Committee from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe upon or limit the power of the Township Committee to act and provide for the health, safety or welfare of Lower Alloways Creek Township in an emergency situation through special emergency directives.

§ 43-3. Composition of Department [Amended 7-12-2005 as Ord. No. 2005-13, 3-21-2006 as Ord. No. 2006-06, 11/20/07 as Ordinance 2007-14, 3-18-08 as Ordinance 2008-03, 2/3/09 as Ord 2009-01, 7/21/09 as Ord No. 2009-11]

A. The police department shall consist of a Chief of Police and up to ten (10) Patrolmen. On the recommendation of the Chief of Police, the Township Committee may appoint one (1) Lieutenant, one (1) Sergeant First Class, one (1) Sergeant, and up to four (4) Corporals. All appointments shall be in the Committee's discretion as they determine necessary to preserve the peace of the Township. As the appointing authority, the Township Committee may appoint such members of the Department to be provided for within the local municipal budget and this ordinance.

B. Special officers or policemen may be appointed for a term not exceeding one year. Such special officers shall not be members of the police force and their powers, rights and duties shall immediately cease and determine at the expiration of the term for which they were appointed, and such appointments may be revoked at any time without cause and without hearing.

C. The Order of Rank shall be in descending order: Chief, Lieutenant, Sergeant, Sergeant First Class, Corporal, Officer, Probationary Officer, Part-time Officer and Special Officer. Upon formal action of the Township Committee, the Lieutenant may serve as Acting Chief of Police during such times that the Chief shall be incapacitated or unavailable. In the event the Lieutenant shall be unable to assume the duties of Acting Chief of Police for any reason, then the Township Committee may appoint the next senior officer to serve as Acting Chief until such time as either the Lieutenant or the Chief of Police shall be available to perform the duties of either Acting Chief of Police or Chief.

§ 43-4. Functions of the Police Department [Adopted 7-12-05 as Ord 2005-13]

A. The Police Department shall:

1. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.
2. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and make and enforce rules and regulations not inconsistent with the ordinances of the Township for such purposes.
3. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal license or permit and report thereon to the appropriate department.
4. Provide proper police attendance and protection at fires.
5. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and county governments.
6. Operate a training program to maintain and improve the police efficiency of the members of the department.
7. Perform such other duties to be consistent with Federal, State and local laws; directives of the Attorney General and the Salem County Prosecutor; and all other lawful actions to promote the welfare of the public.

§ 43-5. Qualification for Appointment and Promotion [Adopted 7-12-05 as Ord 2005-13; amended 2/3/09 as Ord 2009-01, 7/21/09 as Ord 2009-11, 8/18/2009 as Ord No. 2009-13]

A. Qualifications for Appointment

1. Except as provided under N.J.S.A. 40A:14-122, all persons appointed as a member of the police department shall:

- a. be a citizen of the United States;
- b. be in good health sufficient to satisfy the Township's medical and psychological examinations and the board of trustees of the police and firemen's retirement system;
- c. be able to read, write and speak the English language well and intelligently;
- d. be of good moral character, and never have been convicted of any criminal offense involving moral turpitude;
- e. pass physical standards and testing;
- f. pass a written and/or oral examination and an oral interview as determined by the Township Committee in consultation with the Director of Public Safety and Chief of Police.

2. The Township Committee may, at its discretion, consider the recommendation of the Director of Public Safety and Chief of Police in appointing candidates. The Township Committee may, at its discretion, require additional information as it deems necessary for the purpose of evaluating each candidate.

B. Promotions

1. The Township Committee, in consultation with the Director of Public Safety and Chief of Police, shall consider the following criteria for evaluation of candidates for promotion. Candidates for promotion shall:

- a. be considered based upon their disciplinary record;
- b. be considered based upon their performance evaluations;
- c. be considered based upon commendations, awards or other recognition;
- d. pass a written and/or oral examination as determined by the Township Committee;

- e. pass an oral interview conducted by the Township Committee or its designee;
 - f. be considered based upon merit and fitness;
 - g. pass a psychological examination, if so required by the Township Committee;
 - h. be otherwise considered based upon N.J.S.A. 40A:122.6; and
 - i. attend an interview with the Director of Public Safety and Chief of Police.
2. In the case of an emergency, the Township Committee, in its sole discretion, shall promote a member of the police department to an acting title as it sees fit to preserve the public welfare and the efficiency of the department.
3. For promotion to the position of Sergeant First Class, candidates must first obtain and hold at a minimum, the rank of Corporal. The Township Committee may fill this position at its sole discretion. When appointing to fill this position, the Committee may consult with the current Chief of Police and the Public Safety Director regarding the promotion of a candidate to the position of Sergeant First Class. The Committee if they so choose to fill the position, may use their discretion rather than normal procedures for promotion.
4. For promotion to the position of Chief of Police, the Township Committee shall utilize the criteria enumerated in § 43-5(B)(I). The Township Committee may, at its sole discretion, consult with the current Chief of Police regarding the promotion of a candidate to the position of Chief of Police.

§ 43-6. Probationary Service [Amended 12-16-1981 as Ord. No. 81-22; 10-18-1982 as Ord. No. 82-35; 4-21-1992 as Ord. No. 92-7; 7-12-2005 as Ord 2005-13; 8/18/09 as Ord 2009-12]

Every candidate for appointment as a member of the Police Department, either as officer or Chief, must meet all requirements of law and must serve a probationary period of one (1) year in the Department as a probationary officer or Chief subsequent to completing a training course approved by the New Jersey Police Training Commission (with the exception of special officers, who must meet the requirements as set forth in N. J. S. A. 40A: 14-146.8 et seq.). Any probationary police officer who fails to satisfactorily meet the standards of the New Jersey Police Training Commission during the prescribed training program shall be terminated from employment by the Chief of Police with the consent of the Township Committee. At the end of the probationary period, the Chief of Police, with the consent of the Township Committee, may either terminate the employment of such candidate or appoint that candidate as a member of the Police Department in the position of police officer. In regard to the Chief of Police, the decision to terminate or appoint after the probationary period shall be made solely by the Township Committee.

§ 43 7. Departmental rules and regulations [Adopted 7-12-2005 as Ord 2005-13; Amended 2/3/09 as Ord 2009-01]

The Director of Public Safety may make or prescribe such rules and regulations, as he shall deem advisable; such rules, when approved by the Township Committee, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the Department.

§ 43-8. Conduct of members; obedience to superiors

It shall be the duty of every member of the Police Department to conduct himself or herself in a proper and law-abiding manner at all times and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his or her superior.

§ 43-9. Weapons [Amended 12-1-1978 by Ord. No.78-32; 10-18-1982 by Ord. No. 82-35]

The Township of Lower Alloways Creek shall furnish each regular member of the Police Department with police-issue weapons which are approved by the Township Committee.

§ 43-10. Compensation [Adopted 7-12-2007 as ORD No. 2005-13]

The compensation or rate of compensation of the Chief and members of the Department and special officers shall be fixed by ordinance.

§ 43-11. Police Radio Dispatchers [Added 12-16-1977 by Ord. No.77-42; Amended 6-15-1979 by Ord. No.79-27; 7-12-2007 as ORD No. 2005-13]

Police radio dispatchers shall be appointed by the Township Committee by resolution at such times as the Township Committee may deem necessary. Police radio dispatchers shall be employees of the Police Department but shall have no police powers. Police radio dispatchers shall be subject to the rules and regulations adopted by the Township Committee and shall also be subject to any relevant collective bargaining agreement, if any.

**ARTICLE II
Chief of Police**

§ 43-12. Administrative Duties [Added 10-18-1982 by Ord. No. 82-36, Amended 7-12-2007 as ORD No. 2005-13, 2/3/09 as Ord 2009-01, 8/18/21009 as Ord No. 2009-12]

A. The Chief of Police or the highest ranking officer shall report directly to the Director of Public Safety.

B. The Chief of Police or the highest ranking Officer shall timely submit the proposed departmental budget to the Director of Public Safety for consideration by the Township Committee.

C. The Chief of Police, or in his absence, the Director of Public Safety shall be responsible for the day-to-day operation of the Township Police Department and be responsible for providing adequate police protection for the residents.

D. Pursuant to the policies established by the Director of Public Safety, the Police Chief shall:

1. Have, exercise and discharge the functions, powers and duties of the force.
2. Delegate such of his authority, as he may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision.
3. Report at least monthly to the Director of Public Safety, in such form as shall be prescribed by such Director, on the day-to-day operation of the force during the preceding month, and make such other reports as may be requested by the Director.

E. The Chief shall be responsible for the performance of the Department's functions, and all persons who are members of the Department shall serve subject to the operational orders of the Chief of Police.

§ 43-13. Hours; responsibilities of office; compensation. [Adopted 11-21-1983 by Ord. No. 83-22; Amended 3-23-1988 by Ord. No. 88-5, 7-12-2005 as ORD No. 2005-13, 2/3/09 by Ord 2009-01]

A. The Chief of Police shall be required to work a minimum of forty (40) hours per week; however, such hours shall be arranged by the Chief in accordance with the needs of the position and subject to the approval of the Director of Public Safety. The Chief shall attend such seminars or training sessions as are deemed to be beneficial to the township. All expenses incurred while attending such programs, including but not limited to a mileage allowance if a personal car is used, books, supplies, as well as the cost of meals and lodging should they be required shall be paid by the township.

B. The Chief of Police shall be provided with a vehicle equipped with a two-way radio, which he shall use at all times for official business and at such other times as directed by the Chairperson or Vice Chairperson of the Police Committee.

C. The chief of police shall be a member of various professional police associations as directed by the Director of Public Safety and upon the approval of the Township Committee, and he shall be expected to be an active participant in such associations so as to remain familiar with current police training, administration and investigating techniques.

D. The compensation for the Chief of Police shall be established annually within the Salary Ordinance of the Township of Lower Alloways Creek.

Article III
Compensation and Benefits
[Adopted 10-18-1982 as Ord. No.82-37]

§ 43-14. Annual salary

Members of the Police Department of Lower Alloways Creek Township are to be paid yearly compensation as is established annually by the Township Committee

§ 43-15. Longevity payments [Amended 3-23-1988 by Ord. No. 88-5; 4-21-1992 by Ord. No. 92-7]

A. Amount of service for the annual pay scale shall include time spent as a probationary officer .

B. After five (5) years of service, all regularly employed police officers and full time police dispatchers shall annually receive a longevity payment of two percent (2%) of said officers' and police dispatchers' base salary.

C. After ten (10) years of service, said officers and dispatchers shall annually receive a longevity payment of four percent (4%) of said officers' and police dispatchers' base salary.

D. After fifteen (15) years of service, said officers and dispatchers shall annually receive a longevity payment of six percent (6%) of said officers' and police dispatchers' base salary .

E. After twenty (20) years of service, said officers and dispatchers shall annually receive a longevity payment of eight percent (8%) of said officers' and police dispatchers' base salary.

F. Said longevity payments shall be paid either in lump sum or bi-weekly, at the discretion of the officer or dispatcher, upon recommendation of the Chief of Police.

§ 43-16. Extra pay for certain shifts [Amended 4-21-1992 by Ord. No.92-7]

In addition to regular salary , each police officer and police dispatcher shall receive fifty-five cents (\$.55) per hour for every hour worked on the 3rd shift and sixty-five cents (\$.65) per hour for every hour worked on the 1st shift.

§ 43-17. Biweekly payment of salary

The salary of said police officers is to be paid in biweekly installments.

Article IV

Inter-municipal Police Assistance

[Adopted 3-4-1977 as Ord. No. 77-12; 7-12-2005 as Ord. No. 2005-13]

§ 43-18. Authorization to participate

The Township of Lower Alloways Creek hereby approves and enters into a certain agreement labeled "Salem County Municipal Aid Agreement" providing for inter-municipal police assistance pursuant to N.J.S.A. 40A:14-156.1.

§ 43-19. Reciprocal effectiveness of agreement

Said agreement shall be effective in each of the other municipalities named in said agreement upon their adopting reciprocal ordinances to enter into said agreement.

§ 43-20. Participating municipalities

The parties to said agreement are all New Jersey municipal corporations located in Salem County and are as follows:

- A. City of Salem.
- B. Township of Pennsville.
- C. Township of Carney's Point.
- D. Township of Lower Alloways Creek.
- E. Borough of Penns Grove.
- F. Borough of Woodstown.

§ 43-21. Copy of agreement on file

A copy of said agreement for inter-municipal police assistance is on file in the office of the Clerk of the Township of Lower Alloways Creek, at the Municipal Building, Hancock's Bridge, New Jersey, and is available for inspection during business hours.

§ 43-22. Officers authorized to execute

The Mayor and Clerk of the Township are authorized to execute said agreement on behalf of the township.

CHAPTER 46*
(RESERVED)

*Editor's Note: Former Ch. 46, Public Safety, Department of, adopted 12-30-75 as Ord. No. 75-11, was repealed 2-24-88 by Ord. No. 88-2.

CHAPTER 49

PURCHASING

- § 49-1. Definitions.
- § 49-2. Department established; office of Purchasing Agent.
- § 49-3. Powers and duties of Agent.
- § 49-4. Filing of requisitions or estimate of requirements.
- § 49-5. Voidable contracts; gifts from contractors prohibited.
- § 49-6. Competitive bids.
- § 49-7. Purchases requiring submission of bids and formal written contracts.
- § 49-8. Execution of contracts.
- § 49-9. Purchases not requiring bid procedure.
- § 49-10. Emergency purchases.
- § 49-11. Inspection of purchases.
- § 49-12. Inventory procedure; sale of surplus or unsuitable materials.
- § 49-13. Cooperative purchasing.
- § 49-14. Contracts contingent on available funds; Treasurer's certificate.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-29-77 as Ord. No. 77-43. Amendments noted where applicable.]

§ 49-1. Definitions.

For the purposes of this chapter, the following phrases, words and their derivations shall have the meanings given herein:

COMMITTEE CHAIRMAN — The member of the Township Committee appointed as chairman of a particular department of operations.

CONTRACTUAL SERVICES — Includes all services, such as utilities, insurance, rental, repair or maintenance of equipment, machinery and other township-owned personal property, which are the subject matter of contracts involving the township. The term shall not include professional and other contractual services which, by statute, are provided for by resolution of the Township Committee.

MAYOR AND TOWNSHIP COMMITTEE — The Mayor and Township Committee of the Township of Lower Alloways Creek.

PURCHASING AGENT — The duly appointed Purchasing Agent of the township.

REQUESTER — Any department head or any such person authorized by a department head to prepare a purchase requisition in accordance with the procedures set forth in this chapter.

SUPPLIES — Includes all supplies, materials and equipment.

TOWNSHIP — The Township of Lower Alloways Creek.

§ 49-2. Department established; office of Purchasing Agent.

There is hereby established in the administrative and executive service of the township the Purchasing Department, and in said Department, the office of Township Purchasing Agent.

§ 49-3. Powers and duties of Agent.

The Township Purchasing Agent shall be the head and have general supervision of the Purchasing Department. The Agent shall perform all duties required of a department head by law and shall have the powers and duties prescribed by this chapter, subject to the provisions of N.J.S.A. 40A:11-1 et seq., the Local Public Contracts Law and regulations issued pertaining thereto.

A. [Amended 1-20-78 by Ord. No. 78-1] The Agent shall:

(1) Be appointed by resolution adopted by a majority of the Township Committee and hold office for a term of three (3) years or until a successor shall have qualified.

(2) Have considerable experience as a buyer or in responsible purchasing work involving the procurement of a variety of supplies, materials and equipment.

(3) Be bonded in the amount of ten thousand dollars (\$10,000.). [Amended 10-28-87 by Ord. No. 87-16]

B. The Agent shall have the power and it shall be his duty to purchase or contract for all supplies and contractual services needed by any using agency of the township, in accordance with purchasing procedures established by this chapter and such other rules and regulations specified by state law or as shall be adopted by the Township Committee from time to time for the internal management and operation of the Purchasing Department.

C. Except as herein provided, it shall be unlawful for any township official or employee to order or purchase any supplies or make any contract within the purview of this chapter other than through the Purchasing Department.

D. In addition to the purchasing authority conferred above and in addition to any other powers and duties, the Agent shall:

(1) Act to procure for the township the highest quality in supplies and contractual services at the least expense to the township.

(2) Endeavor to obtain full and open competition insofar as possible on all purchases and sales.

(3) Establish and amend when necessary, with the consent of the Township Committee, all rules and regulations authorized by this chapter and any other necessary to its operation.

(4) Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this chapter.

(5) Act so as to procure for the township all federal and state tax exemptions to which it is entitled.

(6) Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the township for a stated period of time with the approval of the Township Committee.

§ 49-4. Filing of requisitions or estimate of requirements.

All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file with the Agent detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such time and for such future periods as the Agent shall prescribe. The Agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality or estimated cost.

§ 49-5. Voidable contracts; gifts from contractors prohibited.

A. Any purchase order or contract within the purview of this chapter in which any officer or employee of the township is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract, the Township Committee shall have the authority to waive, by resolution, compliance with this section when it finds such action to be in the best interest of the township.

B. The Agent and every officer and employee of the township are expressly prohibited from accepting directly or indirectly from any person, company, firm or corporation to which any purchase order or contract is or might be awarded any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the township.

§ 49-6. Competitive bids.

All purchases of and contracts for supplies and contractual services and all sales of obsolete equipment shall, except as otherwise specifically provided herein or by statute, be based wherever possible on competitive bids.

§ 49-7. Purchases requiring submission of bids and formal written contracts. [Amended 4-2-84 by Ord. No. 84-7; 10-28-87 by Ord. No. 87-16]

All supplies and contractual services except as provided herein, when the estimated cost thereof shall exceed an amount as specified in N.J.S.A. 40A:11-3, shall be purchased by

formal written contract from the lowest responsible bidder after due notice inviting proposals as required by the Revised Statutes of New Jersey.

A. When deemed necessary by the Agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the Agent has required such. A successful bidder shall forfeit any surety required by the Agent upon failure on his part to enter into a contract within ten (10) days after the award.

B. Bid opening procedure.

(1) Sealed bids shall be presented to the Agent and Township Committee and shall be identified as bids on the envelope.

(2) Bids shall be opened in public by the Agent at the time and place stated in the public notice. The bid taking shall be recorded in the minute records of the township, setting forth the name and the address of each bidder and the amount of each bid. The award of contract shall also be recorded in the minutes. All bids, when required by law, will be received at the Municipal Building in the township on the date and time set forth in the notice of bid proposal.

C. The Township Committee shall have the authority to reject all bids, parts of all bids or all bids for any one (1) or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

D. Award of contract.

(1) The Township Committee, upon consideration and review of the procedure and recommendations, shall award the contract to the lowest responsible bidder pursuant to law.

(2) In determining the lowest responsible bidder, in addition to price, the Agent and Township Committee shall consider:

(a) The ability, capability and skill of the bidder to perform the contract or provide the service required.

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(d) The quality of performance of previous contracts or services.

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(3) When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the agent and filed with the other papers relating to the transaction.

(4) Tie bids.

(a) If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

(b) Where Subsection D(4)(a) is not in effect, the Agent shall award the contract to one of the tie bidders by drawing lots in public.

(5) The Agent shall have the authority to require a performance bond before entering a contract, in such amount as he shall find reasonably necessary to protect the best interest of the township.

§ 49-8. Execution of contracts.

The Mayor shall execute and sign all contracts awarded by the governing body and authorized pursuant to law. The signature of the Mayor shall be attested to by the Township Clerk.

§ 49-9. Purchases not requiring bid procedure. [Amended 2-3-78 by Ord. No. 78-4; 4-20-79 by Ord. No. 79-19; 4-2-84 by Ord. No. 84-7; 10-28-87 by Ord. No. 87-16]

All purchases of supplies and contractual services not in excess of the estimated value of an amount as determined pursuant to N.J.S.A. 40A:11-3 shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by § 49-7 for the award of formal contracts, subject to the following procedures:

A. Requisitions having an estimated dollar value of from one cent (\$0.01) to forty-nine dollars and ninety-nine cents (\$49.99) shall be approved by the department head and may be paid by the Agent from the Agent's petty cash fund or accumulated with other purchases from the same vendor and paid by approved voucher. No quotations shall be required before purchase.

B. Requisitions having an estimated dollar value of fifty dollars (\$50.) to four hundred ninety-nine dollars and ninety-nine cents (\$499.99) shall be approved by the Township Committee Chairman of the particular department involved and may be purchased by the Agent from the lowest quote obtainable.

C. Requisitions having an estimated dollar value of five hundred dollars (\$500.) to two thousand four hundred ninety-nine dollars and ninety-nine cents (\$2,499.99) shall be

approved by the Township Committee Chairman and Cochairman of the particular department involved. If the estimated dollar value of such requisition is one thousand dollars (\$1,000.) to two thousand four hundred ninety-nine dollars and ninety-nine cents (\$2,499.99), the Agent, wherever practical, shall obtain and record three (3) price quotations before authorizing the purchase from the lowest responsible vendor's quotation. Contracts for such purchases may be entered into by the Agent, whose signature shall be attested to by the Township Clerk. The Agent shall, at least monthly, submit to the Township Committee a list of such contracts or agreements.

D. Requisitions having an estimated value of two thousand five hundred dollars (\$2,500.) to an amount as determined pursuant to N.J.S.A. 40A: 11-3 shall be authorized and awarded by the Township Committee after the Agent, wherever practical, has obtained and recorded three (3) price quotations and reported them to the Township Committee.

§ 49-10. Emergency purchases. [Amended 2-3-78 by Ord. No. 78-4; 4-20-79 by Ord. No. 79-19; 4-2-84 by Ord. No. 84-7; 10-28-87 by Ord. No. 87-16]

Emergency purchases shall be made as follows:

A. By the Agent. In the case of an apparent emergency which requires immediate purchase of supplies or contractual service, the Agent shall first have the purchase approved by the Township Committee Chairman or Cochairman of the particular department involved; if neither the Chairman nor Cochairman is available, the purchase shall be approved by any member of the Township Committee. The agent shall then secure by open market procedure, at the lowest obtainable price, any supplies or contractual services whose cost shall not exceed an amount as determined pursuant to N.J.S.A. 40A:11-3. A full report of the circumstances of an emergency purchase shall be filed by the Agent with the Township Committee and shall be recorded in the minutes.

B. Emergency purchases estimated to cost in excess of an amount as determined pursuant to N.J.S.A. 40A:11-3 shall be authorized and entered into only by the Township Committee under provisions established by the Public Contracts Law and regulations pertaining thereto.*

§ 49-11. Inspection of purchases.

A. The head of the using agency shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

B. The Agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality

*Editor's Note: See N.J.S.A. 40A:11-1 et seq.

and conformance with the specifications. In the performance of such tests, the Agent shall have the authority to make use of laboratory facilities of any outside laboratory. The cost of such tests shall be charged to the using agency.

§ 49-12. Inventory procedure; sale of surplus or unsuitable materials.

A. All using agencies shall submit to the Agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

B. The Agent shall submit to all departments, prior to the sale of surplus materials as described below, a list of items no longer required to determine if such departments can use any of the equipment, parts and supplies listed.

(1) The Agent shall have the authority to transfer surplus stock to other using agencies.

(2) The Agent shall have the authority to sell all supplies which have become unsuitable for public use or to exchange the same for or trade in the same on new supplies.

(3) Sales under this section shall be made to the highest responsible bidder. A record of each sale shall be made and placed on file.

§ 49-13. Cooperative purchasing.

The Agent shall have the authority to join with other units of government in cooperative purchasing plans as stated in the Revised Statutes of the State of New Jersey when the best interests of the township could be served thereby.

§ 49-14. Contracts contingent on available funds; Treasurer's certificate.

A. In accordance with regulations issued by the Local Finance Board of the State of New Jersey, no contract for the expenditure of public funds shall be entered into until the Township Treasurer shall certify, in writing, the availability or nonavailability of sufficient legally appropriated funds for that purpose. Said certification shall designate specifically the line item appropriation of the township budget to which the contract will be properly charged. Such certification shall be attached to the original copy of the contract and kept in the files of the Township Clerk.

B. The Township Treasurer shall, in addition to the above certification, establish and maintain an encumbrance system whereby such contractual amounts are deducted from available budgeted appropriation balances. Outstanding encumbrances must be reconciled with control figures at least monthly.

CHAPTER 54

SALARIES AND COMPENSATION

[The salaries and compensation of the various officers and employees of the Township of Lower Alloways Creek are set by the Township Committee by ordinance. Copies of current salary ordinances, as amended, are on file in the office of the Township Clerk, available for inspection during regular office hours.]

PART II
GENERAL
LEGISLATION

CHAPTER 62

ALCOHOLIC BEVERAGES

- § 62-1. Purpose.
- § 62-2. Consumption and possession in public.
- § 62-3. Consumption in motor vehicles.
- § 62-4. Consumption on private property.
- § 62-5. Prohibited possession; exception.
- § 62-6. Presumption.
- § 62-7. Definitions.
- § 62-8. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 8-2-82 as Ord. No. 82-20. Amendments noted where applicable.]

§ 62-1. Purpose.

This chapter is enacted for the purpose of prohibiting the possession and consumption of alcoholic beverages on public parks, playgrounds, recreation areas, private conveyances on public areas and in public ways, and further prohibiting the consumption and possession of alcoholic beverages on private property without the express written permission of the owner.

§ 62-2. Consumption and possession in public.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverages in or upon any public building, park, playground or recreational area, nor in, on or upon public lands, streets, roads, alleys, rights-of-way or sidewalks, or upon any land or building owned or occupied by the municipal government, unless previously authorized by the Township Committee.

§ 62-3. Consumption in motor vehicles.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverage in a private conveyance while such conveyance is located (whether in motion, stopped or parked) in or on any public street, road, lane, alley, right-of-way, public parking lot or any other public property.

§ 62-4. Consumption on private property.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverage while in or upon private property not his or her own without having the express permission of the owner or other person authorized to grant such permission, nor in a private conveyance while such conveyance is on private property without the express permission of the owner or other person authorized to grant such permission.

§ 62-5. Prohibited possession; exception.

No person shall have in his or her possession any alcoholic beverage in any of the places where consumption of the same is prohibited in §§ 62-2, 62-3 and 62-4 above except in the process of transporting the same within the original closed container to a place where consumption is lawfully permitted.

§ 62-6. Presumption.

Possession of any intoxicating beverages in other than the original container or in an original container which has been opened or on which the seal has been broken shall raise the presumption that such beverage was intended for consumption.

§ 62-7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE — Any fluid or any solid capable of being converted into a fluid suitable for human consumption and having an alcoholic content of more than one-half of one percent ($1/2$ of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes, or any mixture of the same, and fruit juices.

CONSUMPTION OF ALCOHOLIC BEVERAGE — A person shall be deemed to consume if he drinks, swallows or imbibes any fluid or solid capable of being converted into a fluid as defined in the definition of "alcoholic beverage" herein. A person shall be presumed to have consumed such alcoholic beverage in violation of the provisions of this chapter if the owner or other person in physical control of the alcoholic beverage is in close proximity to him, the alcoholic beverage is not sealed or has been partially consumed and he emits an odor of alcoholic beverage coming from his person or exhibits physical conduct, attributes or demeanor associated with the "consumption of alcoholic beverages," or if a person is in possession of an alcoholic beverage that is not sealed, has been partially consumed or is in a container such as a glass or cup and the person emits an odor of alcoholic beverage coming from his person or exhibits physical conduct, attributes or demeanor associated with the "consumption of alcoholic beverages."

INTENT TO CONSUME AN ALCOHOLIC BEVERAGE — A person shall be deemed to intend to consume an alcoholic beverage in violation of the provisions of this chapter, if that person is in physical custody of an alcoholic beverage in a container such as a glass or cup or an alcoholic beverage in an unsealed or open bottle, can or other such beverage container which has been partially consumed.

POSSESSION OF AN ALCOHOLIC BEVERAGE — Intention to exercise or the exercising of custody, control or dominion over an alcoholic beverage; provided, however, that actual physical or manual possession is not required if the intention to exercise such custody, control or dominion over the alcoholic beverage is manifested from the direct or circumstantial evidence where it is reasonable to infer that the capacity to do so exists. Possession, custody or control need not be exclusive, but may be jointly exercised by two (2) or more persons. A person shall be presumed to be jointly in possession, custody or control of the alcoholic beverage if the owner or person in physical control of the alcoholic beverage is in close proximity to him and the alcoholic beverage is not sealed or has been partially consumed.

§ 62-8. Violations and penalties.

A. Each and every person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.) and/or imprisonment in the county jail for a period not exceeding six (6) months; provided, however, that the minimum mandatory fine for the second or any subsequent conviction within the Township of Lower Alloways Creek shall be two hundred dollars (\$200.).

B. In regard to any conviction relating to this chapter, when the Municipal Court suspends the imposition of a defendant's sentence or a portion thereof or sentences him to be placed on probation, the Municipal Court may attach such reasonable conditions authorized by N.J.S.A. 2C:4-51, including the performance of community-related services and the imposition of conditions reasonably related to the rehabilitation of the defendant, including but not limited to alcoholic rehabilitation programs or other such programs related to alcoholic education or rehabilitation.

CHAPTER 65

ARCADES

§ 65-1. Establishment prohibited.

§ 65-2. Definitions.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 10-4-82 as Ord. No. 82-32]

§ 65-1. Establishment prohibited.

The establishment of video game and/or pinball machine arcades is hereby forbidden in the Township of Lower Alloways Creek.

§ 65-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCADE — Includes any establishment which contains three (3) or more video games and/or pinball machines.

CHAPTER 69

BOAT RAMP, MUNICIPAL

- § 69-1. Purpose.**
- § 69-2. Designation; availability.**
- § 69-3. Eligible users.**
- § 69-4. Stickers.**
- § 69-5. Violations and penalties.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-20-1982 as Ord. No. 82-43. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreational facilities—See Ch. 127.

§ 69-1. Purpose. [Amended 4-2-1996 by Ord. No. 96-3]

This chapter is enacted for the purpose of designating the boat ramp which the Township of Lower Alloways Creek constructed at Front Street in Hancocks Bridge as the Municipal Boat Ramp. It is further intended to establish who shall be entitled to utilize the ramp and guidelines and procedures for its use and penalties for unauthorized use of said ramp.

§ 69-2. Designation; availability.

The boat ramp located at Front Street in Hancocks Bridge, New Jersey, shall hereinafter be known as the "Lower Alloways Creek Municipal Boat Ramp." Said boat ramp will be available on a twenty-four-hour basis to qualified users.

§ 69-3. Eligible users. [Amended 4-2-1996 by Ord. No. 96-3; 8-20-1996 by Ord. No. 96-8; 3-19-2002 by Ord. No. 2002-3]

The boat ramp may only be used by residents and/or owners of real estate in Lower Alloways Creek Township.

§ 69-4. Stickers. [Amended 12-27-1994 by Ord. No. 94-12; 4-2-1996 by Ord. No. 96-3; 3-19-2002 by Ord. No. 2002-3]

A prerequisite for the use of the boat ramp shall be that residents and/or owners of real estate in Lower Alloways Creek Township shall request the issuance of two (2) stickers from the Township Clerk. The Clerk shall cause to be issued two (2) stickers, with one (1) sticker to be placed on the front bumper of the automobile or automobiles intended to be parked in the area provided by the township at the ramp and one (1) sticker to be affixed to the boat, windshield or side of the boat above the waterline.

§ 69-5. Violations and penalties. [Amended 12-27-1994 by Ord. No. 94-12; 4-2-1996 by Ord. No. 96-3]

Whoever shall transfer a properly acquired sticker to a nondomiciliary shall be subject to a fine of one hundred dollars (\$100.).

CHAPTER 74

CAMPGROUNDS

- § 74-1. Enforcement officer designated.
- § 74-2. Adoption of standards.
- § 74-3. Inspections authorized; right of entry.
- § 74-4. Notice of violation; service of notice.
- § 74-5. Hearings.
- § 74-6. Adoption of rules and regulations.
- § 74-7. Compliance with standards required.
- § 74-8. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-5-64. Section 74-8 amended at time of adoption of Code; see Ch.1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Trailer and mobile home parks—See Ch. 147.
Zoning—See Ch 156.

§ 74-1. Enforcement officer designated.

The Zoning and Building Officer of the Township of Lower Alloways Creek is hereby designated as the officer to exercise the powers prescribed by this chapter, and he shall serve in such capacity without any additional salary.

§ 74-2. Adoption of standards.

Pursuant to the provisions of P.L. 1946, c. 21 (N.J.S.A. 40:49-5.1), the Private Campgrounds Code as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office is hereby accepted, adopted and established as a standard to be used as a guide in determining whether campground dwellings, as well as their facilities, located in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the Private Campgrounds Code is annexed to this chapter and three (3) copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

§ 74-3. Inspections authorized; right of entry.

The Building Officer is hereby authorized and directed to make inspections to determine the condition of camp dwellings, as well as their facilities, located within the Township of Lower Alloways Creek in order that he may perform his duty of safeguarding the health and safety of the occupants of camp dwellings, as well as their facilities, and of the general public. For the purpose of making such inspections the Building Officer is hereby authorized to enter, examine and survey at all reasonable times all camp dwellings, as well as their facilities. The owner or occupant of every camp dwelling, as well as its facilities, or the person in charge thereof, shall give the Building Officer free access to such camp dwelling, as well as its facilities, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a camp dwelling shall give the owner thereof or his agent or employee access to any part of such camp dwelling, as well as its facilities, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 74-4. Notice of violation; service of notice.

Whenever the Building Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be put in writing, shall include a statement of the reasons why it is being issued, shall allow a reasonable time for the performance of any act it requires and shall be served upon the owner or his agent or upon the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or if a copy thereof is sent by registered mail to his last known address or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

§ 74-5. Hearings.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Township Committee, provided that such person shall file in the office of the Township Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Mayor shall set a time and place for such hearing and shall give the petitioner written notice

thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner the Mayor may postpone the date of the hearing for a reasonable time beyond such ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing, the Township Committee shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Township Committee sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Township Clerk within ten (10) days after such notice is served. The proceedings at such hearings, including the findings and decision of the Township Committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Township Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Township Committee may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

§ 74-6. Adoption of rules and regulations.

The Township Committee is hereby authorized and empowered to make and adopt such written rules and regulations as it may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter, nor in anywise alter, amend or supersede any of the provisions thereof. The Township Committee shall file a certified copy of all rules and regulations which it may adopt in the office of the Clerk of the Township of Lower Alloways Creek.

§ 74-7. Compliance with standards required.

No person shall occupy as owner-occupant or rent to another for occupancy any camp dwelling, as well as its facilities, for the purpose of living therein which does not conform to the provisions of the Private Campgrounds Code established hereby as the standard to be used in determining whether a camp dwelling is safe, sanitary and fit for human habitation.

§ 74-8. Violations and penalties.*

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

*Editor's Note: Amended at time of adoption of Code; see Ch. I, General Provisions, Art. I.

CHAPTER 75

CATS

- § 75-1. Purpose.
- § 75-2. Definitions.
- § 75-3. Licensing and vaccination required; exemptions.
- § 75-4. Licensing requirements; issuance; fee; duration.
- § 75-5. Display of registration tag; license application information.
- § 75-6. Maintenance and abandonment.
- § 75-7. Nuisance or damage prohibited; liability of owner.
- § 75-8. Harboring stray cats.
- § 75-9. Annual census.
- § 75-10. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 9-21-1993 as Ord. No. 93-18.* Amendments noted where applicable.]

GENERAL REFERENCES

Dogs and other animals—See Ch. 88.

§ 75-1. Purpose.

The purpose of this chapter is to provide reasonable regulations for the control, care and maintenance of cats in the Township of Lower Alloways Creek, due to the occurrence of rabies in the County of Salem and the State of New Jersey. This chapter is not intended to impair, restrict or otherwise interfere with the relationship that exists between owners and their pets; however, it is necessary that these owners exercise responsibility in the care and maintenance of their animals.

§ 75-2. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

ABANDONED CAT—A cat of any age which shall be left unattended, unclaimed, unlicensed or at large for a period of seventy-two (72) hours or more.

CAT—Any animal of a feline species.

*Editor's Note: This ordinance shall take effect 1-1-1994, after final adoption and publication as provided by law.

OWNER — Every person having a proprietary right in a cat and every person keeping, harboring or feeding a cat for more than forty-eight (48) hours. This provision shall not include a person who keeps or feeds a cat on behalf of an owner at the owner's request to accommodate the owner's temporary needs.

PERSON — An individual, firm, partnership, corporation or association of persons.

PUBLIC NUISANCE — A cat that causes damage to public or private property or causes harm to any person.

STRAY CAT — A cat having no known owner or custodian.

§ 75-3. Licensing and vaccination required; exemptions.

A. License requirements. No person shall own, keep, harbor or maintain any cat over seven (7) months of age within the Township of Lower Alloways Creek unless such cat is licensed. The provisions of this section do not apply to cats held by a state or federally licensed research facility, a veterinary establishment or a licensed animal shelter, pound, kennel or pet shop. No cat may be licensed without proof of vaccination as detailed below.

B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the recommendations for immunization published by the National Association of State Public Health Veterinarians, except as provided in Subsection C.

C. Exemptions. Any cat may be exempted from vaccination requirements for a specified period by the local Board of Health upon presentation of a veterinarian's certificate stating that, because of an infirmity or other physical condition, the inoculation of such cat is not medically appropriate.

§ 75-4. Licensing requirements; issuance; fee; duration.

All cat licenses shall be issued by the Township Clerk, Deputy Township Clerk or such other person as may be designated by the Township Committee for the Township of Lower Alloways Creek. All licenses shall be issued with a registration number, and a record of such issuance shall be maintained. A license may only be issued after proof of vaccination is shown and the required fee has been paid. The licensing fee shall be five dollars (\$5.). Any person who presents a certificate signed by a licensed veterinarian stating that the cat has been spayed or neutered shall be entitled to a reduction of three dollars (\$3.) of the license fee and for each annual renewal. All fees required by this section shall be due on or before the last day of January in each year. No license shall be granted for a period exceeding one (1) year. Persons applying for a license after the last day of January shall pay the full license fee, regardless of the number of months remaining in the year. The registration tag shall then be attached to a collar to be worn and maintained by the individual cat for whom the license was issued whenever such cat shall be outdoors.

§ 75-5. Display of registration tag; license application information.

A. The owner of any cat of at least seven (7) months of age shall obtain a license and tag for such cat and cause the tag to be readily displayed upon the cat. The provisions of this subsection shall not apply to nonresident cat owners passing through the township, nor shall it apply to the owners of any cat brought to the township for the purpose of veterinary treatment or exhibition in a cat show.

B. Any person seeking a license shall supply the following information: the cat's breed, sex, age, color, markings and whether or not it has been spayed or neutered. It shall also set forth the name, street and post office address of the owner and/or the person who shall keep or harbor the cat.

C. Any person owning, maintaining or harboring a cat shall produce licensing proof whenever requested by a health official, police officer, Animal Control Officer or other person officially authorized by the Township of Lower Alloways Creek.

§ 75-6. Maintenance and abandonment.

No cat shall be sheltered, maintained or harbored that is not domesticated. The area where cats are kept shall be clean and sanitary and shall not create a disturbance by reason of noise, odor or other causes. No person shall abandon any cat or permit a cat in their custody to become a stray.

§ 75-7. Nuisance or damage prohibited; liability of owner.

No cat shall cause damage to any person or property. Any person who owns, maintains or harbors any cat that causes such damage shall be strictly liable for the damage and may be prosecuted for a violation of this chapter.

§ 75-8. Harboring stray cats.

No person shall harbor, maintain or feed any unlicensed or stray cat. Any person who shall do so following receipt of a notice from the Animal Control Officer advising said person that a violation of this chapter is occurring may be prosecuted if they continue such activities.

§ 75-9. Annual census.

The Animal Control Officer or other official designated by the Township Committee shall, promptly after May 1, 1994, and annually thereafter, cause a census to be made of all cats owned, kept or harbored within the limits of the Township of Lower Alloways Creek. A report shall be submitted to the Township Clerk setting forth the name and address of each person harboring an unlicensed cat, together with a complete description of the same.

§ 75-10. Violations and penalties.

Any person who violates a provision of this chapter shall be liable to a penalty of not more than fifty dollars (\$50.) for each offense, up to ninety (90) days in jail, or both.

CHAPTER 77
CIGARETTE VENDING MACHINES

§ 77-1. Prohibited.

§ 77-2. Penalty.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-5-00 as Ord. No. 2000-13. Amendments noted where applicable.]

§ 77-1. Prohibited.

In view of the indiscriminate sales of cigarettes to minors by automatic vending machines, all cigarette vending machines are hereby prohibited in the Township of Lower Alloways Creek.

§ 77-2. Penalty.

Any person owning, operating, renting or permitting the use of a cigarette vending machine on premises under his or her control shall be subject to a fine of two hundred fifty dollars (\$250.). Each day on which such a machine is owned, operated, rented or permitted on the premises shall result in an additional fine of two hundred fifty dollars (\$250.).

CHAPTER 78

CONSTRUCTION CODES, UNIFORM

§ 78-1. Enforcing agency; composition.

§ 78-2. Fees.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 1~21-77 as Ord. No.77-4. Amendments noted where applicable.]

§ 78-1. Enforcing agency; composition.

A. There is hereby established in Lower Alloways Creek Township a State Uniform Construction Code enforcing agency to be known as "Lower Alloways Creek Township Construction Administration," consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code, The Construction Official shall be the chief administrator of the enforcing agency. Each of the above-named officials shall enforce the code or subcode indicated by his title, subject to the supervision of the Construction Official.

B. Each official position created in Subsection A hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217, as amended,* and N.J.A.C. 5:23; provided that in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one (1) such official position may be held by the same person; provided that such person is qualified pursuant to P.L. 1975, c. 217, and N.J.A.C. 5:23 to hold each such position.

C. The public shall have the right to do business with the enforcing agency at one (1) office location, except for emergencies and unforeseen or unavoidable circumstances.

*Editor's Note: See N.J.S.A. 52:27D-119 et seq.

Fees. [Amended 8-18-1978 by Ord. No.78-24; 11-3-1980 by Ord. No.80-27; 12-19-1983 by Ord. No.83-27; 4-10-1985 by Ord. No.85-9; 10-26-1988 by Ord. No.88-14; 3-22-1989 by Ord. No.89-8; 12-20-1989 by Ord. No.89-21; 2-5-1991 by Ord. No.91-1; 12-21-04 by Ord. No.2004-18; 12-18-07 by Ord No. 2007-17]

- A. Fees for construction or inspection permits are fixed in the separate amount hereinafter set forth, which fee shall be rounded to the nearest dollar and shall be paid before the permit is issued and the total fee to be paid in each case shall be the sum of the fees for applicable permits, as follows:

1. Building Subcode Fees:

(a). New Construction

[1] B, H, I, M, E, R, U	\$0.027 x cubic foot of volume
[2] A, F, S	\$0.015 x cubic foot of volume
[3] Farm Use Buildings	\$0.008 x cubic foot of volume (maximum fee \$500.00)
[4] Minimum Fee	\$40.00

(b). Renovations, Alterations, Repairs and Minor Work

[1] Estimated Cost	\$24.00 per \$1,000.00
[2] Minimum Fee	\$40.00

(c). Demolition and Removal

[1] One and Two Family Residences and Structures on Farms	\$50.00 per structure
[2] Garage (U), Shed (U), In-ground Pool (U), Pole Barn (U)	\$30.00 per structure
[3] Tanks (above/in-ground)	\$30.00 per tank
[4] All other Use Groups	\$100.00 per structure

(d). Signs

[1] Flat Fee	\$40.00
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(e). Swimming Pools

[1] Flat Fee	\$40.00
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(f). Open Structure Towers

[1] Flat Fee	\$40.00
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(g). Roofing and Siding

[1] Flat Fee	\$40.00
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(h). Retaining Walls

[1] Flat Fee	\$40.00
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(i). Tents in Excess 900 sq. ft.

[1] Flat Fee	\$40.00
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2. Plan Review Fees

- (a). 20% of the amount to be charged for the construction permit and shall be paid before plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

3. Certificate of Occupancy Fees

(a). One and Two Family Residences

[1] Flat Fee	\$50.00
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(b). All other Use Groups

[1] Flat Fee	\$65.00
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(c). Continued Occupancy

[1] Flat Fee	\$50.00
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(d). Continued Occupancy granted pursuant to a change of use group

[1] Flat Fee	\$125.00
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4. Electrical Subcode Fees

(a). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-4.20.

[1] Minimum Fee \$40.00

5. Plumbing Subcode Fees

(a). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-4.20.

[1] Minimum Fee \$40.00

6. Fire Subcode Fees

(a). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-4.20.

[1] Minimum Fee \$40.00

7. Elevator Subcode Fees

(a). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-12.6.

8. State of New Jersey Permit Fees

(a). Those amounts set forth in NJAC 5:23-4.19

9. Other Fees

(a). Those amounts set forth for particular items and work in accordance with NJAC 5:23-4.18 (Standards for Municipal Fees) and NJAC 5:23-4.20 (Departmental Fees).

- B.** The Construction Official shall, with the advice of the subcode officials, prepare and report to the Township Committee of the Township of Lower Alloways Creek biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

ELECTRICAL SUBCODE FEES (Page 7804 section 4 minimum fee \$40.00)

A. Switches / Fixtures / Receptacles

Switches/fixtures/receptacles:	1-50.....	\$36.00
This includes motors/devices 1 HP or 1 KW or less		
Each additional	25 outlets.....	\$6.00
Heat / Smoke Detectors for one & two family dwellings		\$23.00

B. Electrical Devices / Generators / Transformers

Over 1 KW-10 KW.....	\$10.00 each
10.1 KW-45 KW	\$46.00 each
45.1 KW-112.5 KW	\$92.00 each
Over 112.5 KW	\$457.00 each

C. Motors

Over 1 HP-10HP	\$10.00 each
Over 10 HP-50 HP	\$46.00 each
Over 50 HP-100 HP	\$92.00 each
Over 100 HP	\$457.00 each

D. Service Panels / Service Entrance / Sub Panels

0-200 amps	\$46.00 each
Over 200-1 000 amps	\$92.00 each
Over 1,000 amps	\$457.00 each

E. Line Item Fees (as per Technical Sections)

Ranges/ovens/surface units (over 1-10 (KW)	\$10.00 each
(over 10 KW)	\$46.00 each
Dishwasher	(By size as listed above)
Garbage Disposal	(By size as listed above)
Dryer	(By size as listed above)
NC Units	(By size as listed above)
Burglar Alarm / Intercom Systems	(Include in fixture total)
Smoke Detectors	(Include in fixture total)
Water Heater	(By size as listed above)
Central Heat	(By size as listed above)
Baseboard Heat	(By size as listed above)
Thermostats	(By size as listed above)
Heat Pumps	(By size as listed above)
Pumps	(By size as listed above)
Motor Control Center / Sub Panels	(By amp size)
Signs	(Include in fixture total)
Light Standards	(Include in fixture total)
Motors — Fractional HP	(Include in fixture total)
Motors — All Others	(By size as listed above)
Transformers/Generators	(By size as listed above)
Service/Service Entrance	(By size as listed above)

F. Private Pools / Spas

Bonding, Pumps, Motors	\$46.00 each
Receptacles, Switches	

PLUMBING SUBCODE FEES (Page 7804 section 5, minimum fee \$40.00)

A. Fixtures / Appliances connected to the plumbing system	\$10.00 each
Water Closet / Bidet / Urinals	\$10.00 each
Bathtub	
Lavatory / Sink	
Shower / Floor Drain	
Washing Machine	
Dishwasher	
Commercial Dishwasher	
Water Heater	
Hose Bibs	
Water Cooler	
Garbage Disposal	
Indirect Connection	
Vent Stack	
B. Special Devices	\$65.00 each
Grease Traps	\$65.00 each
Oil Separators	
Water Cooled Air Conditioners	
Refrigeration Units	
Water Utility Connections	
Sewer Utility connections	
Backflow Preventers	
Steam Boilers	
Hot Water Boilers	
Active Solar Systems	
Sewer Pumps	
Interceptors	
LP Gas Tanks	
Fuel Oil Piping	\$10.00 each
Gas Piping	\$10.00 each

FIRE SUBCODE FEES (Page 7804 section 6, minimum fee \$40.00)

A. 1-20 Sprinkler Heads	\$65.00
21-100 Sprinkler Heads	120.00
101-200 Sprinkler Heads	\$229.00
201-400 Sprinkler Heads	\$594.00
401-1,000 Sprinkler Heads	\$822.00
Over 1,000 Sprinkler Heads.....	\$1,050.00
B. 1-12 Heat / Smoke Detectors.....	\$36.00
Each additional 25 detectors.....	\$12.00
C. Standpipe	\$229.00 each
D. Independent Pre-Engineered System	\$92.00 each
E. Gas / Oil Fired Appliance	\$46.00 each
F. Kitchen Exhaust System	\$46.00 each
G. Incinerator / Crematorium	\$365.00 each
H. Heat / Smoke Detectors for one & two family dwellings	\$23.00 per unit

CHAPTER 82

CURFEW

§ 82-1. Curfew hours established; penalty for violation.

§ 82-2. Responsibility of parent or guardian; penalty for violation.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 2-5-71. Amendments noted where applicable.]

§ 82-1. Curfew hours established; penalty for violation.

It shall be unlawful for any child under the age of seventeen (17) years to be upon the streets, alleys, parks or other public places in the Township of Lower Alloways Creek after the hour of 10:00 p.m., prevailing time, on each and every Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, until the dawn of the following morning, unless accompanied by the parent, guardian or other adult person having the care, custody or control of said child, and anyone violating the provisions hereof shall be deemed a disorderly person and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.).

§ 82-2. Responsibility of parent or guardian; penalty for violation.

It shall be unlawful for the parent, guardian or any person having the care, custody or control of any child under the age of seventeen (17) years to permit such child to loiter upon or be in any of the places mentioned in § 82-1 hereof at any time after the hour of 10:00 p.m., prevailing time, on each and every Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, until the dawn of the following morning, unless accompanied by such parent, guardian or other person having the care, custody or control of such child, and any persons violating this section shall be subject to a fine of not more than fifty dollars (\$50.) or ten (10) days' imprisonment, or both.

CHAPTER 84
DISORDERLY CONDUCT

§ 84-1. Prohibited conduct.

§ 84-2. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 4-18-01 as Ord. No. 2001-4. Amendments noted where applicable.]

§ 84-1. Prohibited conduct.

Any riotous conduct, indecent conduct, breach of the peace, boisterous or tumultuous behavior, vagrancy or other conduct causing disorder not hereinbefore mentioned, is hereby prohibited within the limits of the Township of Lower Alloways Creek.

§ 84-2. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punishable by a fine of not less than one hundred dollars (\$100.) and not more than one thousand dollars (\$1,000.) or imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.

